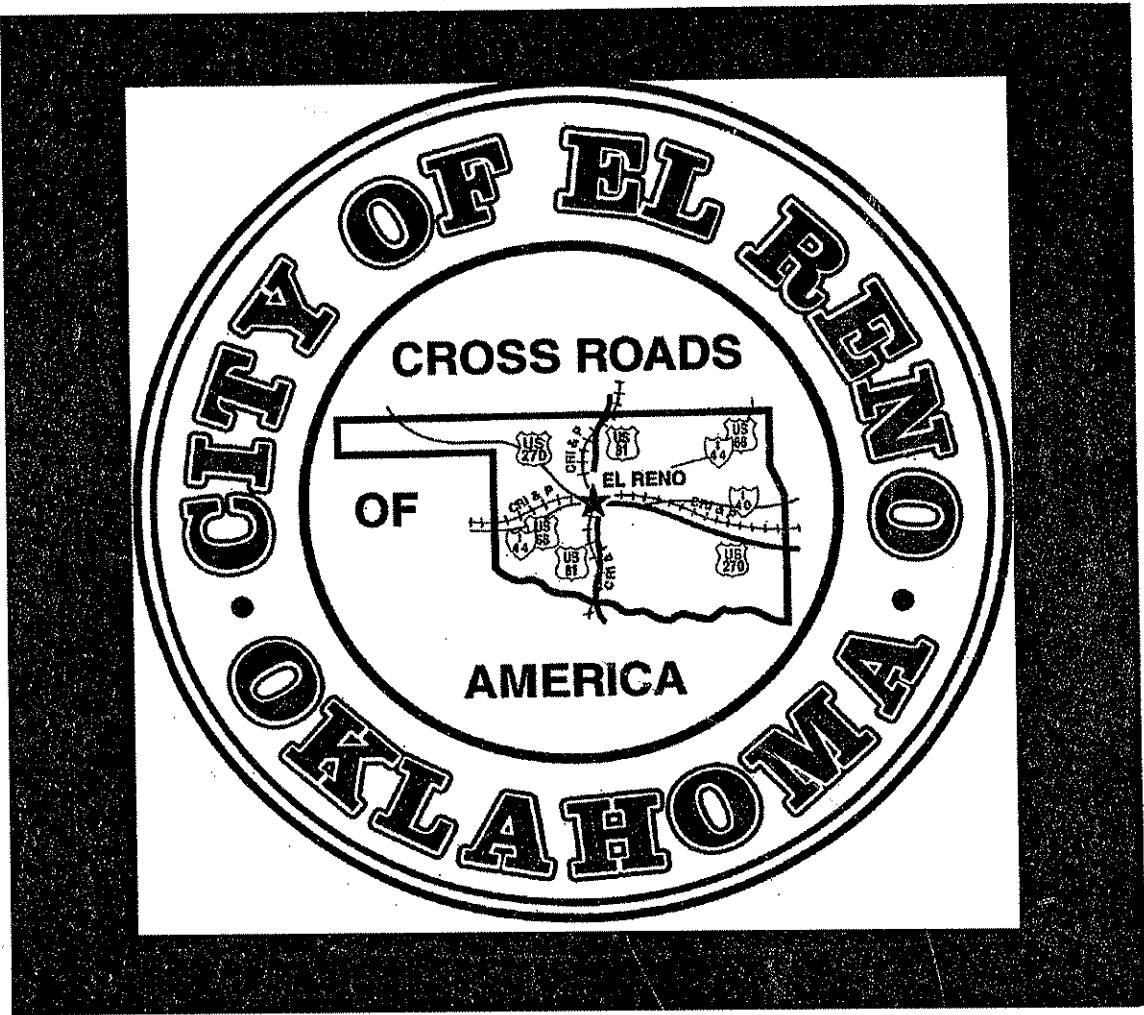


PERSONNEL MANUAL



**REVISED
JUNE 2004**

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CITY OF EL RENO POLICY AND EMPLOYEE HANDBOOK

PREFACE:

This policy and employee handbook is intended to provide information about employment policies for employees of the City of El Reno. A copy will be provided to each employee. It is the responsibility of each employee to become familiar with the material contained in the handbook. The handbook will be updated on a regular basis, and employees will have access to any updates as they are issued. Nothing contained herein is intended to create an employment contract. All employees are at will employees.

The purpose of this handbook is to serve as a guide to administrative action concerning various personnel activities and transactions. This handbook supersedes all previous publications pertaining to personnel policies and procedures.

This handbook applies to both Exempt and Non-Exempt employees unless modified by collective bargaining agreements or specifically provided otherwise.

101. General Employment Policy

1. Employment Policy Established by Council

The goal of the City of El Reno is to attract and retain the best-qualified personnel for positions in the Exempt and Non-Exempt categories. To achieve this goal, the City of El Reno provides an opportunity for professional growth and personal satisfaction, to enable you to enhance your career goals, and to promote competitive participation based on merit and fitness.

2. City Charter Superiority

The provisions of the City Charter will supersede conflicting rules and regulations in this manual in any operating procedures to implement these policies or in any collective bargaining agreement.

3. Labor Agreements

Employees covered by labor agreements will be afforded such rights as are contained in those bargaining agreements. These policies will apply to employees covered by labor agreements, except to the extent that a labor agreement contains a provision expressly covering a subject that also is covered in these policies, in which case the labor agreement's provision shall apply.

4. Authority of the City Manager

The City Manager has the sole responsibility for granting waivers or amendments to any administrative or personnel policy or procedure, subject to restrictions of the City Charter. The City Manager may also give administrative directives or operating

procedures to effectively convey the intent of these policies. Copies of such directives or procedures shall be provided to all City employees. References to the City Manager in the policies may, on occasion, be substituted for his designee except as required by the City Charter.

5. Changes to Departmental Work Rules

Any departmental work rule or regulation shall be furnished in writing to the affected employees with a copy going to the City Manager. Changes to work rules that impact a mandatory subject of bargaining will also be furnished to the respective bargaining agent prior to implementation.

6. Applicability of Policies

The provisions in this handbook shall apply to exempt and non-exempt personnel unless the specific provision of a policy can be logically construed to only cover non-exempt employees. This handbook does not apply to City Council Members, Municipal Judge, Members of Boards and Commissions, Volunteers and other personnel who serve without pay, Consultants, and Counsel rendering temporary professional service.

102. Equal Opportunity Policy

It is the policy of the City of El Reno that an individual's race, color, religion, sex, disability, age, or national origin are not and will not be considered in any personnel or management decisions. We affirm our commitment to these fundamental policies.

All recruiting, hiring, training, and promoting for all job classifications is done without regard to race, color, religion, sex, disability, or age. All decisions on employment are made to abide by the principle of equal employment.

All promotion decisions will continue to be made in accordance with equal employment opportunity principles and only valid job requirements will be used.

All other personnel actions such as compensation, benefits, and transfers will be administered without regard to race, color, religion, sex, age, disability, or national origin.

Any employee of the City of El Reno, whether exempt or non-exempt, who practices discrimination or harassment based on a protected characteristic will be subject to disciplinary action. If employees believe an incident of discrimination or harassment is offensive or objectionable, causes discomfort or humiliation, creates a hostile environment, or interferes with job performance or advancement opportunities has occurred, they are required to bring the matter promptly to the attention of your supervisors, department head, the Human Resource Director or City Manager. Employees may report discrimination or harassment to the supervisor, department head or manager with whom employees feel comfortable.

1. Complaint Procedure

If an employee or prospective employee feels that they have been discriminated against, they are required to report such discrimination, and should do so by

contacting the Human Resource Director. The employee or prospective employee should file a complaint in writing with the Human Resource Director who will conduct an investigation of the complaint and report to the person making the complaint and the City Manager within two calendar weeks or such time as is reasonably prompt, together with any recommendations for corrective action if necessary. The City may use mediation to attempt to settle the dispute. The City Manager shall have the final decision on corrective action.

103. Equal Employment Opportunity Affirmative Action

While the City of El Reno is committed to developing and implementing equal opportunity for employees and applicants, continuing positive actions must be taken to ensure successful fulfillment of this commitment. At the City of El Reno, the work performance of each individual supervisor and department head will include an evaluation of equal employment opportunity efforts and results.

104. Equal Employment Opportunity Personnel Records

Your personnel record is property of the City of El Reno and is maintained in the Human Resource Director's office. It contains information on your employment and salary history since your arrival at the City of El Reno. We acknowledge and support your right to privacy. This is why access to your records is carefully protected and particular attention is paid to proper usage of the information.

If you wish to review your file, contact the Human Resource Director in writing.

105. Americans with Disabilities Act

It is the policy of the City of El Reno to abide by both the letter and spirit of the law in all aspects of the Americans with Disabilities Act (ADA). The act prohibits discrimination in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms conditions, and privileges of employment. It applies to recruitment, advertising, tenure, leave, fringe benefits, and all other employment-related activities.

The City of El Reno prohibits all discrimination against "qualified individuals with disabilities." This includes applicants for employment and current employees. An individual is considered to have a "disability" if he has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. The City also forbids discrimination against persons because they have a known association or relationship with an individual with a disability.

The ADA applies to impairments that substantially limit major life activities such as seeing, hearing, speaking, walking, breathing, performing manual tasks, learning, caring for oneself, and working.

As an example, an individual with epilepsy, paralysis, human immunodeficiency virus (HIV) infection, acquired immune deficiency syndrome (AIDS), a substantial hearing or visual impairment, mental retardation, or a specific learning disability may be covered, but an

individual with a minor, non-chronic condition of short duration, such as a sprain, broken limb, or the flu, generally would not be covered.

The City of El Reno considers a qualified individual with a disability as a person who meets legitimate skill, experience, education, or other requirements of an employment position that he holds or seeks.

The City of El Reno requires the ability to perform "essential" functions of the job to assure that an individual with a disability will not be considered unqualified simply because of inability to perform marginal or incidental job functions. If the individual is qualified to perform essential job functions except for limits caused by a disability, we will consider whether the individual could perform these functions with a reasonable accommodation.

The City of El Reno will not ask or require a job applicant to take a medical examination before making a job offer. Except under lawful circumstances, the City will not make any pre-employment inquiry about a disability or the nature and severity of a disability. But we may ask questions about the ability to perform specific job functions and may, with certain limitations, ask an individual with a disability to describe or demonstrate how he would perform these functions.

We will condition our job offer on the satisfactory result of a post-offer medical examination or medical inquiry, where this is required of all entering employees in the same job category. We reserve the right to use a post-offer medical examination to disqualify an individual if it demonstrates that the individual would pose a "direct threat" in the workplace (i.e., a significant risk of substantial harm to the health or safety of the individual or others) that cannot be eliminated or reduced below the "direct threat" level through reasonable accommodation.

We also retain the right to conduct employee medical examinations where there is evidence of a job performance or safety problem, as required by other federal laws, to determine current "fitness" to perform a particular job, or on a voluntary basis as part of employee health programs.

Information from all medical examinations and inquiries will be kept apart from general personnel files as a separate, confidential medical record, available only under limited conditions.

Tests for illegal use of drugs are not medical examinations under the ADA and are not subject to restrictions of such examinations. We reserve the right to conduct test for controlled substances according to City of El Reno policy and current federal, state, and local laws.

If an employee feels that he has been subjected to discrimination based on a disability by the City of El Reno, a vendor, a customer, etc., the employee is required to report such discrimination to a supervisor, manager, department head, Human Resource Director or City Manager. The employee should file a complaint in writing with the Human Resource Director.

The City of El Reno is dedicated to protecting the rights provided to individuals with disabilities by the ADA. Accordingly no one in a position of responsibility will retaliate against anyone who asserts the rights provided by the ADA or any state anti-discrimination laws.

106. Accommodation

The City of El Reno will provide reasonable accommodation to enable a qualified applicant to perform the essential functions of the job, which he is seeking, and to enable a qualified employee with a disability to perform the essential functions of a job currently held.

Modifications or adjustments may be required in the work environment, in the manner or circumstances in which the job is customarily performed, or in employment policies. Our goal is to allow an employee with a disability to enjoy the benefits and privileges of employment, equal to those enjoyed by similarly situated employees without disabilities.

We will not be able to make accommodations that would impose an undue hardship on the operation of the City. The Americans with Disabilities Act defines an undue hardship as an action that requires significant difficulty or expense. Each accommodation request will be handled on a case-by-case basis and every effort will be made to comply with the Act.

107. AIDS

The City of El Reno treats AIDS and HIV infection as disabilities in accordance with our policy on Equal Employment Opportunity (EEO) and the requirements of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973. In addition to the Provisions of the City of El Reno's policies on nondiscrimination and reasonable accommodation for disability, the following guidelines are intended to assist managers in maintaining a work environment that is responsive to the workplace issues created by AIDS and HIV infection and the concerns of employees who may request management assistance.

Employees who are diagnosed with AIDS or HIV infection may continue to work if they are deemed medically able to work and can meet acceptable performance standards. The City of El Reno will provide reasonable performance standards and reasonable accommodation if necessary to enable these employees to continue working.

The City of El Reno recognizes that a supportive and caring response from supervisors and co-workers is an important factor in maintaining the quality of life for an employee with AIDS or HIV infection. Supervisors should be sensitive to the special needs of employees and assist them by demonstrating personal support and referring them to the Employee Assistance Program.

An employee's health condition is private and confidential. An employee with AIDS or HIV infection is under no obligation to disclose his/her condition to their supervisor or any other employee of the City of El Reno, unless they desire accommodation. Supervisors are expected to take careful precautions to protect the confidentiality of information regarding any employee's health condition, including an employee with AIDS or HIV infection.

On the basis of the current medical and scientific evidence, the City of El Reno recognizes that AIDS is a life threatening illness that isn't transmitted through casual personal contact under normal working conditions.

108. Automobiles

The City of El Reno provides parking facilities for the use of employees. Employees are to park only in designated areas.

The City of El Reno assumes no responsibility for damage to vehicles or theft of articles from vehicles while on City of El Reno workplace premises.

Any time an employee uses a personal car on City of El Reno business (which does not include commuting to and from work) with his supervisor's permission, the employee may be reimbursed at the IRS allowable rate per mile plus out-of-pocket expenses for tolls and parking if receipts are presented.

109. Conflict of Interest

The City of El Reno recognizes and respects each employee's right to privacy and to engage in personal activities outside the scope of his/her employment. However, the City of El Reno expects that all employees will avoid activities, which create a conflict of interest with their responsibilities to the City of El Reno. The City of El Reno also expects that its employees will observe the highest moral and ethical standards in any dealings in which they represent the City of El Reno.

The City of El Reno reserves the right to determine when an activity conflicts with the City of El Reno's interests and to take whatever action is necessary to resolve the conflict. If necessary, this action can include terminating the employee.

Employees who are aware of conflict of interest violations are obligated to report them to management immediately. Those who fail to do so will be subject to discipline. It is not necessary for an employee to observe the normal chain-of-command procedures when reporting conflicts of interest. Confidentiality of all employees reporting conflicts of interest will be protected.

110. Nepotism

No person related within the third degree of affinity or consanguinity (marriage or blood) to the Mayor, a member of the City Council or City Manager shall be appointed to any office position or clerkship or other service of the City, either on a full-time or part-time basis. No person related within the third degree of affinity or consanguinity to a Superintendent or Department Head may be appointed to or transferred to any office, position or clerkship or any other service of the City, which is in the same department where the Superintendent or Department Head is employed.

For purposes of clarification of relationships specified above the following relatives shall be considered as within the third degree of affinity or consanguinity (marriage or blood). Spouse, children, grandchildren, great-grandchildren, parents, brothers, sisters, nephews, nieces, aunts, uncles, grandparents, great-grandparents, parents-in-law, son-in-law, daughter-in-law, grandson-in-law, granddaughter-in-law, great grandson-in-law, great granddaughter-in-law, brother-in-law, sister-in-law, nephew-in-law, niece-in-law, aunt-in-law, uncle-in-law, grandparents-in-law, great grandparents-in-law, stepson, stepdaughter, stepfather, and

stepmother. For clarification, a divorce decree shall be deemed to dissolve all relationships arising by that marriage.

111. Drug and Alcohol Free Workplace Policy

The City of El Reno considers its employees to be its most valuable resource and is concerned about the health, safety, well being, and satisfactory work performance of all employees. The use, abuse, and dependence on alcohol and/or drugs can seriously affect the health of employees, jeopardize their own safety and that of others, as well as impair job PERFORMANCE. It is the policy of the City of El Reno to comply with all applicable state and/or federal laws in the administration of creating and sustaining a drug and alcohol free workplace.

It is the policy of the City of El Reno that the unlawful manufacture, distribution, dispensing, possession, use of, or being under the influence of, an unlawful controlled substance is prohibited in the workplace. The "workplace" for purposes of this policy includes any City offices or buildings, any City vehicles or equipment and any time employees are performing work for the City. Any employee determined to be in violation of this policy while on duty or when wearing a City of El Reno uniform, whether on or off duty, is subject to disciplinary action, which may include termination.

The City of El Reno pursuant to the Oklahoma Standards for Workplace Drug and Alcohol Testing Act, effective June 1993 and as amended, and the Omnibus Transportation Employee Testing Act, effective 1991 and as amended; hereby declares and establishes the following Drug and Alcohol Testing policy for employees of the City of El Reno (hereinafter referred to as the City).

The City of El Reno Drug and Alcohol Free Workplace Policy was implemented on December 1, 1996.

A period of thirty (30) days notice was given to employees before the implementation of the Drug and Alcohol Testing Policy set forth below. At such time as changes to the Policy may become necessary, the City will give employees at least thirty (30) days notice before the changes shall take effect.

The City shall post a copy of the Drug and Alcohol Free Workplace Policy and any changes to the policy in a prominent employee access area in the place of employment and shall give a copy of the policy and any changes to the policy to each employee and to each applicant upon his or her receipt of a conditional offer of employment with the City.

1. DEFINITIONS

As Used in this policy, the defining terms are as follows:

A. "Alcohol: means ethyl alcohol or ethanol;

B. "Applicant" means a person who has applied for a position with the City.

- C. "Breath alcohol technician 'BAT'" - an individual who instructs and assists in the alcohol testing process and operates an evidential breath-testing device (EBT).
- D. "Commercial Motor Vehicle" - a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:
 - 1) Has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds, or
 - 2) Has a gross vehicle weight rating of 26,001 or more pounds; or
 - 3) Is designed to transport 16 or more passengers, including the driver; or
 - 4) Is of any size and is used in the transportation of hazardous materials requiring placards.
- E. "Confirmation test" means a drug or alcohol test on a sample to substantiate the results of a prior drug or alcohol test on the same sample and which uses different chemical principles and is of equal or greater accuracy than the prior drug or alcohol test.
- F. "Driver" - any person who operates a commercial motor vehicle (CMV). For the purposes of pre-employment testing, the term driver includes a person applying to drive a commercial motor vehicle.
- G. 7. "Drug" means amphetamines, cannabinoids, cocaine, phencyclidine (PCP), hallucinogens, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphen, synthetic narcotics, designer drugs, or a metabolite of any of the substances listed herein;
- H. "Drug or alcohol test" means a chemical test administered for the purpose of determining the presence or absence of a drug or its metabolites or alcohol in a person's bodily tissue, fluids or products.
- I. "Employee Assistance Program" or "EAP" means an in-house or contracted program, which, at a minimum, provides drug and alcohol dependency evaluation and referral services for substance abuse counseling, treatment or rehabilitation.
- J. "Employee" means any person who is an employee of the City.
- K. "City" means the City of El Reno.
- L. "Random selection basis" means a mechanism for selecting employees for drug or alcohol testing that:
 - 1) Results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected, and

- 2) Does not give the City discretion to waive the selection of any employee selected under the mechanism.

M. "Reasonable suspicion" means a belief that an employee is using or has used drugs or alcohol in violation of the City's written policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience, and may be based upon, among other things:

1. Observable phenomena, such as,
 - a) Physical symptoms or manifestations of being under the influence of a drug or alcohol while at work, on duty, or wearing a City uniform; or
 - b) Direct observation of drug or alcohol use while at work or on duty, or wearing a City uniform.
2. A report of drug or alcohol use while at work or on duty, provided by reliable and credible sources and which has been independently corroborated,
3. Evidence that an individual has tampered with a drug or alcohol test during his employment with the City, or
4. Evidence that an employee is involved in the use, possession, sale, solicitation or transfer of drugs or alcohol while on duty or while on the City's premises or operating the City's vehicle, machinery or equipment.

N. "Medical Review Officer (MRO)" means a person, qualified by the State Board of Health, who is responsible for receiving results from a testing facility which have been generated by the City's drug or alcohol testing program, and who has knowledge and training to interpret and evaluate an individual's test results together with the individual's medical history and any other relevant information.

O. "Sample" means tissue, fluid or product of the human body chemically capable of revealing the presence of drugs or alcohol in the human body.

P. "Safety-sensitive function"

- 1) All time waiting to be dispatched, unless the commercial motor vehicle driver has been relieved from duty by the employer.
- 2) All time inspecting equipment, or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
- 3) All time spent at the driving controls of a commercial motor vehicle.
- 4) All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.

- 5) All time spent performing the driver requirements associated with an accident.
- 6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
- Q. "Screening test" in alcohol testing it means an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in his system. In controlled substance testing it means an immunoassay screen to eliminate "negative" urine specimens from further consideration.
- R. "Substance abuse professional (SAP)" - a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of a clinical experience in the diagnosis and treatment of alcohol and controlled substances related disorders.
- S. "Testing Facility" means any person, including any laboratory, hospital, clinic or either on or off the premises of the City, which provides laboratory services to test for the presence of drugs or alcohol in the human body.

2. CIRCUMSTANCES UNDER WHICH TESTING WILL BE DONE AND PERSONS WHO ARE SUBJECT TO BE TESTED

A. Applicant Testing

The City will require all applicants, upon receiving a conditional offer of employment, to undergo drug and/or alcohol testing, and will use a refusal to undergo such testing or a confirmed positive test result as a base for refusal to hire provided that such testing does not violate the Americans with Disabilities Act of 1990, 42 U.S.C. §121010 et seq., (hereinafter referred to as ADA). The ADA does not, in any way, preclude or interfere with the Cities' compliance with the Department of Transportation (hereafter referred to as DOT) new or existing drug and alcohol testing regulations. Such testing will be required of all applicants who have received a conditional offer of employment regardless of employment classification.

Tests required under the Department of Transportation regulations:

The City is not required to administer an alcohol test or controlled substances test if:

- 1) The applicant has undergone an alcohol test within the previous six months, with a result indicating a breath alcohol concentration less than 0.04 and meets the requirements of the DOT.
- 2) The applicant has participated in a drug testing program within the previous thirty (30) days, that meets the requirements of the DOT, and

3) While participating in that program, either:

- a) Was tested for controlled substances within the past six (6) months from the date of application, or
- b) Participated in a random controlled substances testing program for the previous twelve (12) months from the date of application, and
- c) The City will check that no prior employer of the driver, of whom the City has knowledge, has records of a violation of another DOT agency within the previous six (6) months.

B. Employee Testing

Employees of the City will be subject to drug and/or alcohol testing under the applicable circumstances:

1) Reasonable Suspicion Testing

The City will require an employee to submit to drug and/or alcohol testing if there is reasonable suspicion that the employee is violating the City of El Reno Drug and Alcohol Free Workplace Policy.

- a) Observations of employee conduct while the employee is at work or on duty, which cause the City to require reasonable suspicion testing of an employee, shall be made by a supervisor or department head who has received training for the detection of symptoms or manifestations of being under the influence of a drug or alcohol. Testing will be required of all employees, regardless of classification when reasonable suspicion exists.
- b) The driver of a commercial motor vehicle may be directed to undergo reasonable suspicion testing while the driver is performing safety sensitive functions, just before the driver is to perform safety sensitive functions, or just after the driver has ceased performing such functions.
- c) If an alcohol test is not administered within two (2) hours following the determination that reasonable suspicion exists, the Department Head shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test is not administered within eight (8) hours following the determination, the City shall cease attempts to administer an alcohol test and shall cite in the record the reasons for not administering the test.
- d) The City shall not permit an employee to perform or continue to perform job functions, until:
 - 1) An alcohol test is administered and the employee's breath alcohol concentration measures less than 0.02; or
 - 2) Twenty-four (24) hours have elapsed following the determination that there is reasonable suspicion to believe that the employee has violated the rules concerning the use of alcohol.

- e) A written record shall be made of the observations leading to a controlled substance reasonable suspicion test and signed by the supervisor or department head who made the observations, within twenty-four (24) hours of the observed behavior or before the results of the controlled substances test are released, whichever is earlier.

C. Post-Accident-Testing

The City will require an employee to undergo drug and/or alcohol testing if there is a reasonable suspicion the employee or another person sustained a work-related injury or the City's property was damaged as a direct result of use of drugs and/or alcohol by an employee, in the workplace while performing job duties or wearing a City uniform.

- 1) As soon as practical following an accident involving a commercial motor vehicle, the City shall test for alcohol and controlled substances, the surviving driver:
 - a) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
 - b) Who receives a citation under State or local law for a moving traffic violation arising from the accident.
- 2) No driver of a commercial motor vehicle required to take a post accident alcohol, test shall use alcohol for eight (8) hours following the accident or until he undergoes a post-accident alcohol test, whichever occurs first.
- 3) If an alcohol test is not administered within two (2) hours following the determination that reasonable suspicion exists, the Department Head shall prepare and maintain on file a record stating the reason the alcohol test was not promptly administered.
- 4) If a controlled substance test is not administered within thirty-two (32) hours following the accident, the City shall cease attempts to administer a controlled substance test; and the Department Head will prepare and maintain on file, a record stating the reasons the test was not promptly administered.
- 5) An employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed, by the City, to have refused to submit to testing.
- 6) Nothing in this policy shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

D. Random Testing

The City requires drug and/or alcohol testing on a random selection basis, and shall be restricted to employees who perform safety sensitive functions in the following classifications and/or positions:

1) Vehicle and equipment operator employees who are required to maintain a Commercial Drivers License (hereafter referred to as "CDL") and operate vehicles and/or equipment in excess of 26,001 pounds;

2) Mechanic employees who maintain equipment in excess of 26,001 pounds;

E. Random controlled substances testing shall be conducted in accordance with the following requirements:

1) The City will randomly select employees for testing at the highest minimum annual percentage rate established for the calendar year by the DOT rules to which the City is subject.

2) The City will use a scientific valid method of random selection, which is matched with the driver's social security number.

3) The City will ensure that random testing is unannounced and spread reasonably throughout the calendar year.

4) The City will ensure that drivers selected for random testing proceed immediately to the testing site upon notification of being selected.

5) In the event a driver, who is selected for random controlled substances testing, is on vacation or an extended medical absence, the City will select another driver for testing.

6) No driver of a CMV shall report for duty, or remain on duty, requiring the performance of safety-sensitive functions while having a breath alcohol concentration of 0.04 or greater. The City, having actual knowledge that a driver has a breath alcohol concentration of 0.04 or greater shall not permit an employee to perform or continue to perform safety-sensitive functions.

7) No driver of a CMV shall perform safety-sensitive functions within four (4) hours after using alcohol. The City, having actual knowledge that a driver has used alcohol within four (4) hours shall not permit a driver to perform or continue to perform safety-sensitive functions.

8) No driver of a CMV shall report for duty, or remain on duty, requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.

9) The City, having actual knowledge that a driver has used a controlled substance, shall not permit the driver to perform or continue to perform safety-sensitive functions except as outlined in (H) above.

10) No driver of a CMV shall report for duty, or remain on duty, requiring the performance of safety-sensitive functions if the driver tests positive for controlled substances. The City, having actual knowledge that a driver has tested positive for controlled substance, shall not permit an employee to perform or continue to perform safety-sensitive functions except as outlined in (H) above.

11) The City may require a driver to inform the City of any therapeutic drug use.

F. Post-Rehabilitation Testing

The City will require an employee to undergo drug and/or alcohol testing, without prior notice, for a period of up to five (5) years, commencing with the employee's return to work, in the following situations:

- 1) After the employee tested positive on a drug and/or alcohol test required by City; or
- 2) After having participated in a drug or alcohol treatment program.

G. Return-To-Duty Testing

An employee who is not terminated is prohibited from working after a positive drug test result, or an alcohol test result indicating a breath alcohol concentration of 0.02 or more, regardless of when the drug or alcohol was ingested and regardless of whether or not the employee is under the influence of alcohol or drugs, as defined by Federal, State, or local law. Employees are subject to the following return-to-duty guidelines:

- 1) An employee shall be evaluated by a Substance Abuse Professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and/or controlled substances abuse. The Substance Abuse Professional shall determine that the employee has properly followed any rehabilitation program prescribed.
- 2) Before an employee returns to duty, following a positive alcohol and/or drug test result, the employee shall undergo a return-to-duty alcohol test with a result indicating a breath alcohol concentration of less than 0.02 if the conduct involved alcohol, or a controlled substances test with a verified negative result if the conduct involved a controlled substance.
- 3) The employee shall be subject to unannounced follow-up alcohol and controlled substances tests, ordered by the employee's Department Head or his designee, following the employee's return to duty. The number and frequency of such follow-up testing shall be as recommended by the Substance Abuse Professional and may consist of at least six (6) tests in the first twelve (12) months following the employee's return to duty. The employee's department head or his designee may direct the employee to undergo return-to-duty and follow-up testing for both alcohol and controlled substances if the Substance Abuse Professional determines that such testing is necessary.

3. TESTING DEFINED

- A. All Drug and Alcohol Free Workplace testing of employees and applicants shall be conducted at a laboratory selected by the City, which has been approved, by the Substance Abuse and Mental Health Services Administration (hereafter referred to as "SAMHSA"), pursuant to federal and state law requirements.
- 1) The facility will be responsible for:
- a) Employing testing procedures that ensure privacy to employees and job applicants consistent with prevention tampering.
 - b) Employing the split sample method of testing; in the event results of the test are challenged. Without a split sample, a challenged test is considered negative.
 - c) Employing methods of analysis that ensure reliable test results, including the use of gas chromatography/mass spectrometry to confirm positive test results.
 - d) Employing chain-of-custody procedures that ensure proper identification, labeling and handling of test samples.
 - e) Employing retention and storage procedures that ensure reliable results on confirmatory tests of original samples,
 - f) Employing alcohol-screening tests using approved evidential testing devices that test for prohibited alcohol concentration.
 - g) Maintaining SAMHSA approval of their facility.
- B. The City shall not permit a driver who refuses to submit to a post-accident alcohol or controlled substance test, a random post-accident or controlled substance test, a reasonable suspicion alcohol or controlled substance test, or a follow-up alcohol or controlled substance test to perform or continue to perform safety-sensitive functions.
- C. Employee consent will be obtained for each test. Refusal of an employee to consent and submit to testing will subject that employee to disciplinary action, which may include termination of employment.
- D. The City shall pay all costs of testing for drugs or alcohol required by the City, including confirmation tests required by this Policy. Provided however, an individual who requests a retest of a sample in order to challenge the results of a positive test shall pay all costs of their retest, unless the retest reverses the findings of the challenged positive test. In such case, the City shall reimburse the individual for the costs of the retest.

4. TESTING METHODS AND COLLECTION PROCEDURES TO BE USED

Applicant Drug or Alcohol Screening Process: The job application form of the City contains Notification of Drug/Alcohol Testing Policy of the City, in accordance with federal and state law. The Application Form must be signed by applicant, acknowledging receipt of Notice of City's Drug and Alcohol Free Workplace Policy.

A. In order to achieve the City's goal in providing and maintaining a drug and alcohol free work environment for the safety and protection of employees and others, the following procedures are hereby established:

- 1) Upon notification of the selected applicant the Human Resource Director will schedule the applicant for the drug screen/alcohol test.
- 2) The applicant shall complete the "Applicant/Employee Consent for Drug Screen/Alcohol Test Form. The completed form shall be placed in an envelope with directions to the Medical facility.
- 3) Applicants refusing to submit to the drug screen and/or alcohol test will be considered to have withdrawn their application for employment.
- 4) The sample collection site will obtain the specimen from the applicant of sufficient quantity to allow for split sample testing. The specimen will be sent to the laboratory.
- 5) The laboratory designated by the City shall perform an initial drug screen, which shall be a form of chemical identification with confirmation testing of any positive results with Gas Chromatography/Mass Spectrometry (GC/MS) or other reliable confirmation testing.
- 6) The alcohol screening tests will be done using approved evidential testing devices that test for prohibited alcohol concentration.

5. APPLICANT TEST RESULTS

Upon completion of testing, results of the drug screen/alcohol test shall be communicated to the Human Resource Director, after compliance with the procedures listed below:

A. Test result from drug screen and/or alcohol test.

- 1) The collection site will notify the Human Resource Director the drug screen and or alcohol test was negative.

B. The Human Resource Director will schedule the applicant for a pre-employment physical.

1) Positive test result from drug screen and/or alcohol test.

a) The collection site Medical Review Officer shall compare the test results to the list of prescribed medications applicant identified as having taken.

b) If a drug screen reveals a drug present which is questionable, the applicant will be contacted by the Medical Review Officer in order for the applicant to explain, in confidence, and/or provide additional documentation as the Medical Review Officer deems necessary to satisfy the Medical Review Officer that the presence of such drug is not unlawful.

c) The applicant must provide the requested explanation and/or documentation as requested by the collection site Medical Review Officer within forty-eight (48) hours of time of request. Failure to provide information within the forty-eight (48) hours will result in applicant's drug screen being reported to the Human Resource Director as positive.

d) If the applicant provides explanation and/or documentation within forty-eight (48) hours of the request, sufficient to satisfy the Medical Review Officer that the presence of the drug is lawful, the result of the drug screen test shall be reported to the Human Resource Director as negative.

6. EMPLOYEE DRUG/ALCOHOL TESTING PROCESS

A. Any drug or alcohol testing shall occur during or immediately after the regular work period of current employees and shall be deemed work time for purposes of compensation and benefits for current employees.

B. A supervisor who has reasonable suspicion to believe an employee has ingested, inhaled or injected an illegal or unlawful drug, or has ingested an alcoholic beverage when reporting for duty, while on duty, or during standby or callback duty must act promptly to insure the following:

1) Prohibit the employee from working or continuing to work.

2) Notify the Department Head or the City Manager and request a personal observation of an employee's conduct to confirm that reasonable suspicion exists.

3) Based on reasonable suspicion. Employees shall be required to submit to drug or alcohol testing. Prior to requiring such testing, the basis for the reasonable suspicion shall be communicated to the City Manager or his designee.

- 4) The Supervisor or Department Head will immediately take the employee, to a collection facility selected by the City in compliance with state and federal regulations.
- 5) Before testing, an employee shall sign a form consenting to testing. Failure or refusal to sign the consent form and to submit to testing will result in disciplinary action, which may include termination.
- 6) Supervisors are prohibited from demanding or encouraging drug or alcohol testing without reasonable suspicion and without confirmation from a Department Head or the City Manager/designee.
- 7) Harassment, by any Supervisor or Department Head, of any employee who has, been requested or required to undergo a drug screen will subject the Supervisor or Department Head employees to disciplinary action, which may include termination.

7. EMPLOYEE TEST RESULTS

- A. Upon completion of testing, results of the drug screen and/or alcohol test shall be communicated to the Human Resource Director, after compliance with the procedures listed below.
 - 1) Negative test result from drug screen and/or alcohol test.
 - a) Collection site will notify Human Resource Director that drug screen and/or alcohol test was negative,
 - 2) Positive test result from drug screen and/or alcohol test.
 - a) The collection site Medical Review Officer shall compare the test results to the list of prescribed medications the employee identified as having taken.
 - b) If a drug screen reveals a drug present which is questionable, the employee will be contacted by the Medical Review Officer in order for the employee to explain, in confidence, and/or provide additional documentation as the Medical Review Officer deems necessary to satisfy the Medical Review Officer that the presence of such drug is not unlawful. An employee shall be given the opportunity to explain, in confidence, the results of the test.
 - c) The employee must provide the requested explanation and/or documentation as requested by the collection site Medical Review Officer within forty-eight (48) hours of time of request. Failure to provide information within the forty-eight (48) hours will result in employee's drug screen results as correct.
 - d) If the employee provides explanation and/or documentation within forty-eight (48) hours of the request, sufficient to satisfy the Review Officer that the presence of the drug is lawful, the result of the drug screen test shall be reported to the Human Resource Director as negative.

- e) An employee testing positive, to a drug screen and/or alcohol test shall result in the employee being subject to disciplinary action, which may include termination.
- f) The test results will not be disclosed to any person other than the employee, Human Resource Director, Department Head, City Manager and those involved directly on a need to know basis.
- g) Any employee tampering with the results of a drug screen/alcohol test will be terminated.

8. PERSONNEL ACTION FOLLOWING TESTING

- A. No disciplinary action, except a temporary suspension or temporary transfer to another department, may be taken by the City against an employee based upon a positive test result unless the test result is confirmed by a second test, using gas chromatography-mass spectroscopy, or an equivalent scientifically accepted method of equal or greater accuracy as approved by rule of the State Board of Health at the cutoff levels determined by Board rule.
- B. The City may take disciplinary action against an employee who refuses to undergo drug or alcohol testing conducted in accordance with the provisions of the City's Policy, the Standards for Workplace Drug and Alcohol Free Workplace Free Act and/or the Omnibus Transportation Employee Testing Act.
- C. An employee discharged on the basis of a refusal to undergo drug and/or alcohol testing or a confirmed positive drug or alcohol test conducted in accordance with the provision of the City's Policy, the Standards for Workplace Drug and Alcohol Free Workplace Free Act and/or the Omnibus Transportation Employee Testing Act shall be considered to have been discharged for misconduct for purposes of unemployment compensation benefits.
- D. An employee may appeal his disciplinary action or termination to the City Manager.

9. SUPERVISORS TRAINING AND EMPLOYEE EDUCATION

- A. Supervisors will be trained:
 - 1) To recognize employees when they appear unfit for duty because of drugs or alcohol and how to determine reasonable suspicion.
 - 2) To effectively and appropriately intervene in reasonable suspicious instances.
 - 3) To understand the methods of the City Drug and Alcohol Free Workplace procedures.
 - 4) To effectively and appropriately document reasonable suspicion cases prior to the test, and after the initial hearing.

- 5) In proper disciplinary measures.
- 6) In issues relative to privacy, search and seizure, and employee representation rights during investigations.

B. Employee education shall consist of:

- 1) Educating employees concerning the harmful effects of drugs and alcohol in the workplace:
 - a) The City shall provide educational materials that explain the City's policies and procedures with respect to meeting the requirements of this policy.
 - b) The City shall ensure that a copy of these materials are distributed to each employee prior to the start of drug and/or alcohol testing and to each driver hired or transferred into a position requiring driving a commercial motor vehicle.
- 2) Encouraging employees to voluntarily seek assistance through the Employees Assistance Program.
- 3) Informing employees concerning the City's concern for correcting drug and alcohol use or dependency before it adversely affects an employee's work record and causes irreparable harm to the employee and the residents of the City.
- 4) The City shall provide written notice to representatives of employee organizations of the availability of this information.
- 5) The City Manager and/or his designee are designated by the City to answer questions concerning distributed materials and City Policies.

10. RECORD KEEPING AND CONFIDENTIALITY

- A. City shall maintain all drug and alcohol test results and related information, including, but not limited to, interviews, reports, statements and memoranda, as confidential records, separate from other personnel records. Such records, including the records of the testing facility, shall not be used in any criminal proceeding, or any civil or administrative proceeding except in those actions taken by the City or in any action involving the individual tested and the City or unless such records are ordered released pursuant to a valid court order.
- B. The records described in Paragraph 1 above, and maintained by the City, shall be the property of the City and, upon the request of the applicant or employee tested, shall be made available for inspection and copying to the applicant or employee. The City shall not release such records to any person other than the applicant, employee or the City's Medical Review Officer, unless the applicant or employee, in writing, following receipt of the test results, has expressly granted permission for the City to release such records or pursuant to a valid court order.

C. A testing facility, or any agent, representative or designee of the facility, or any Medical Review Officer, shall not disclose to the City, based on the analysis of a sample collected from an applicant or employee for the purpose of testing for the presence of drugs or alcohol, any information relating to:

- 1) The general health, pregnancy or other physical or mental condition of the applicant or employee; or
- 2) The presence of any drug other than the drug or its metabolites that the City requested be identified and for which a medically acceptable explanation of the positive results, other than the use of drugs, has not been forthcoming from the applicant or employee. Provided, however, a testing facility shall release the results of the drug or alcohol test and any analysis and information related thereto, to the individual tested upon his request and only after presenting proof of identification.

11. CITY RESPONSIBILITIES UNDER LAW

- A. The City Manager is responsible for notification of the drug testing policy and procedure to employees as specified, and educating and training of employees, department heads, and supervisors as outlined.
- B. The City provides an Employee Assistance Program (EAP) and will coordinate city education and training relative to drug testing and the benefits of voluntary admission into the EAP.

12. EMPLOYEE'S NOTICE TO THE CITY

It is mandatory that any employee notify the City Manager, within five (5) working days, if he has been convicted of a criminal drug status violation.

13. CITY NOTICE TO FEDERAL GOVERNMENT

The City as a recipient of a grant from the Community Development Block Grant Program from the United States Department of Housing and Urban Development (HUD) shall notify HUD within ten (10) days after receiving notice of any employee convicted of a criminal drug statute. Also, the City shall notify any other organization from which they receive grants or funding that requires such a notice.

112. Harassment Policy (To address all forms of harassment in this one policy.)

1. PROVISIONS APPLICABLE TO ALL EMPLOYEES

A. POLICY

The City of El Reno will not tolerate sexual harassment, or any other form of harassment based on legally protected characteristics of individuals.

B. WHO IS COVERED?

In short, anybody you encounter as you perform your job with the City. This includes all applicants and employees, regardless of position, title, grade, seniority or function, as well as customers, temporaries, visitors, independent contractors and vendors. Nobody is immune from this policy.

C. WHAT IS SEXUAL HARASSMENT?

Sexual harassment has been defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- 1) Submission to such conduct is either made explicitly or implicitly a term or condition of employment.
- 2) Submission to or rejection of such conduct is used as the basis for employment decisions; or
- 3) Such conduct has the purpose or effect of unreasonably interfering with the work environment or creating an intimidating, hostile or offensive work environment.

Sexual harassment can be subtle or direct. It usually involves different genders, but may be committed by someone of the same gender. Sexually harassing behavior may include intentional physical conduct that is sexual in nature, sexual jokes and innuendo, sexual advances or requests for sexual favors, propositions, verbal abuse of a sexual nature, commentary about an individual's body, sexual prowess or sexual deficiencies, leering, touching, sexually-based obscene comments or gestures, display of sexually suggestive objects or pictures and any other type of physical, verbal or visual conduct of a sexual nature.

Sexual harassment may occur through various methods including personal contact, in writing, over the telephone, through e-mail, and on the intranet or Internet. The means by which sexually harassing behavior is conducted does not change its inappropriateness.

2. OTHER FORMS OF HARASSMENT

Other forms of prohibited harassment include conduct or actions based on legally protected characteristics, such as race, national origin, age disability or religion. Any physical, verbal or visual conduct that is based on a protected characteristic and which interferes with an employee's work environment, creates a hostile or offensive work environment, is used as a basis for employment decisions or made a term of employment can be harassment. All such conduct is prohibited.

A. OBLIGATIONS OF ALL EMPLOYEES

It is an essential responsibility for every employee to report any incidents of actual or perceived harassment. This includes harassment directly involving the employee, or where the employee is only a witness. Every employee must consider the obligation to report harassment as an essential function of his or her job.

B. PROFESSIONAL ENVIRONMENT

Our work environment is such that many individuals interact with each other every day. Differences of opinion, discomfort with personality traits and even anger are inevitable. Please understand that those types of reactions do not generally amount to sexual harassment, unless they are based upon gender. Nor would they be harassment based on another protected characteristic. We want our workplace to be both interactive and professional. Tolerance of others is encouraged.

C. HOW TO REPORT HARASSMENT

Allegations of harassment may be reported in any manner that effectively communicates the message you desire to send. This includes reporting in writing, orally, by e-mail, letter, memo or note, or any other reasonable means. The City of El Reno encourages all reports to be made in writing in order to have a clear and complete account of your perception of the situation. The most beneficial written reports will include at least:

- 1) The dates and times of all incidents of harassment;
- 2) The names of all harassers and victims;
- 3) A detailed factual description of the harassment; and
- 4) The names of all individuals present during the challenged conduct or who otherwise could corroborate or refute the facts alleged.

You should also remember that a good first step in resolving a problem of harassment is to directly confront the harasser, clearly communicating what behavior you deem unacceptable. In many instances, this alone will stop the undesirable behavior because the harasser does not realize the inappropriateness of the conduct. If you do not feel that such a step is appropriate, however, you may report the problem elsewhere as discussed below.

D. WHERE TO REPORT

We ask that you utilize the chain of command for any reports of harassment, i.e. report harassment to your supervisor or department head. If your supervisor or department head is involved in the activity you wish to report, or if you would prefer to make your report elsewhere, then report the harassment to the Human Resource Director or to the City Manager.

E. WHEN TO REPORT

Immediately. The more promptly an issue is raised, the more likely an appropriate resolution can be reached. Untimely reporting significantly increases the difficulty in conducting an investigation because the precision with which events and statements are remembered fades with the passage of time.

F. INVESTIGATIONS

In most cases, a prompt investigation will immediately follow the reporting of behavior believed to constitute harassment. Any such investigation will be designed to address the allegations made, but will usually include detailed interviews of the persons directly involved, witnesses, and review of any documentary items that tend to support or refute the allegations.

Investigations will be kept as confidential as practical, but in keeping with the City's intent to conduct a thorough review of all facts and events.

G. DETERMINATIONS

In instances where sufficient information is available, the City will promptly make factual and disciplinary determinations about the challenged conduct. However, you should keep in mind that some inappropriate behavior is not reflected in documents or witnessed by other people. In those situations, individual credibility determinations will have to be made, and the City will strive to do its best at making those determinations correctly. These credibility issues should not discourage witnesses and other available information from being presented. All determinations will be based upon a totality of the circumstances then known to the City.

H. APPEALS

If you strongly disagree with the determination reached during the investigation and/or the disciplinary decisions of the City, you may take the matter to the City Manager for review. Any such appeal must be in writing and set forth detailed information about your dissatisfaction with the determinations made and your suggestion on what the appropriate course of conduct should have been. Such an appeal shall be submitted within five (5) working days after the determination is made. Once received, your appeal will be reviewed, along with other pertinent information, and a decision will be reached. The decision will be communicated to you within ten (10) working days of receipt of your appeal.

I. DISCIPLINE

Any employee engaged in harassment will be subject to discipline, up to and including discharge. This includes first-time offenders. All disciplinary decisions will be made on a case-by-case basis.

J. RETALIATION

Any act of retaliation against an employee who reports, participates in an investigation of harassment or is otherwise involved in such an inquiry is strictly forbidden. Any employee found to have retaliated against another person will be subject to the same discipline as an employee who is found to have harassed another person.

K. FALSE CLAIMS

Harassment is a very serious matter; in part because of the way it can affect people and their careers. Accordingly, while all legitimate claims of harassment must be reported, such claims must never be fabricated or lodged without the utmost sincerity. Any person found to have intentionally falsified a claim of harassment, or who lodges a claim for malicious or improper reasons, is subject to immediate discipline, up to and including discharge.

L. TRAINING

Employees will be routinely trained on issues involving harassment. This will entail various forms and methods designed to heighten your awareness and education on the subject. You should also keep and regularly review a copy of this policy.

M. ADDITIONAL TRAINING

It is important to the City to have a well-trained and educated workforce on this subject. If at any time you do not believe you are sufficiently aware of what is acceptable behavior, do not understand this subject well enough, or simply need another copy of the City's harassment policy, please contact your supervisor, department head or the Human Resource Director for additional training or another copy of the Harassment Policy.

N. CONSENSUAL RELATIONSHIPS

Consensual relationships between employees are unwise. These relationships typically do not last and when over, provide the groundwork for one or both of the employees to make allegations of harassment against the other. This is an instance where the credibility determinations discussed above are quite difficult. The only way to avoid this situation is not to engage in this type of behavior in the first place. The best policy is to keep your private life private and out of the workplace.

3. PROVISIONS APPLICABLE TO DEPARTMENT HEADS AND SUPERVISORS ONLY

A. OBLIGATIONS OF DEPARTMENT HEADS AND SUPERVISORS

- 1) The City of El Reno's Harassment Policy requires all employees to report any type of harassment, including sexual or gender-based harassment and harassment based on other protected characteristics such as race, national origin, disability, age and religion. Supervisors and Department Heads have an additional duty to monitor the work force, discover inappropriate behavior and report such incidents when discovered.
- 2) It is important to recognize that not all comments about another person's behavior will be direct or clearly stated - some may be quite vague or indirect. You must always listen to the "message within the message," and be prepared to ask appropriate questions to determine if an employee is attempting to suggest that a harassment issue exists. You are always encouraged to involve the Human Resource Director or City Manager with this process. Once you receive a report or indications of a complaint of harassment, you are required to bring such report or complaint to the attention of the Human Resource Director or City Manager for investigation as specified below. You should not initiate an investigation on your own.

B. CONSENSUAL ROMANTIC RELATIONSHIPS WITH OTHER EMPLOYEES

- 1) Supervisors and Department Heads are strictly forbidden from having romantic relationships with subordinate employees. Failure to abide by this Policy may lead to disciplinary action up to and including termination.
- 2) Romantic relationships with other Supervisors or Department Heads are discouraged. They are not forbidden as long as there is no reporting relationship between the employees involved (one employee does not directly or indirectly supervise the other employee involved). If a reporting relationship develops after a romantic relationship begins, the employees involved will be subject to transfer, or in some cases, termination.

C. RECOGNITION AND REAFFIRMATION

Department Heads are encouraged to acknowledge the City of El Reno's Harassment Policy from time to time at staff meetings. Any such reiteration should be designed to remind employees of the Policy, their duty to comply and confirm that assistance is always available in the event an issue exists. These reaffirmations should be documented.

D. REPORTING TO PERSONNEL

Unless the conduct at issue directly involves the Human Resource Director, you are required to confidentially advise him immediately after a report of sexual harassment is

made to you. If the challenged conduct directly involves the Human Resource Director, you should immediately advise the City Manager.

E. DECIDING IF SEXUAL HARASSMENT HAS OCCURRED

You are neither required nor requested to determine the validity of a sexual harassment charge. The City of El Reno has a defined procedure for investigating allegations and making these determinations. You will likely be involved in the process if the charge or complaint involves you, but it must never be circumvented.

4. "OFF THE RECORD" OR "UNOFFICIAL" COMPLAINTS

There is no such thing! If you are told that harassment exists or if you suspect that harassment may exist based on your own observations or information reported to you, reporting immediately becomes an official matter, even if the party reporting or challenging the conduct requests that it not be considered official. You are reminded to report any such communication to the Human Resource Director and/or City Manager, Supervisor or Department Head immediately.

5. CONFIDENTIALITY

If you become involved in a sexual harassment issue in any way, you must keep the matter as confidential as practical, but in keeping with your duty to report to the Human Resource Director or other management. An investigation of most charges will occur and you are to participate openly and candidly. However, you are not allowed to discuss any aspect of a charge or investigation with any other person without prior approval. This is never a subject for general discussion or office gossip.

6. GENERAL PROCEDURES FOR INVESTIGATING SEXUAL HARASSMENT ALLEGATIONS

The following serves as a general outline to be used in investigating reports of sexual harassment. It is illustrative only, and will need to be customized to fit the particulars of each situation.

A. PURPOSE OF INVESTIGATIONS

The purpose of an investigation is to gather as much information about the challenged conduct as practical. Judgments about the credibility or persuasiveness of the information being gathered is to be avoided at this stage, leaving those decisions until the investigation is complete and all information can be reviewed together.

B. GENERAL CONSIDERATIONS

You should strive to maintain professionalism and objectivity throughout the entire investigation, determination and disciplinary process. Other considerations include:

- 1) Dignity - All persons involved with the process should be treated with dignity. This involves refraining from criticism that is not constructive, name calling, leveling unnecessary accusations, belittling, publication of private matters and the like.
- 2) Confidentiality - Complete confidentiality during an investigation is rarely ever, possible because of the number of people involved and the very nature of the investigatory process. Therefore, the goal is to keep the matter as confidential as practical under the circumstances of each case. Discussion with others should be only on a need to know basis, and should seldom involve anyone outside management other than the accused, the accuser and any witnesses. A valuable goal is to treat everyone involved in the entire process in the same manner that you would want to be treated under the same circumstances.
- 3) Sincerity and Objectivity - Every investigation must be conducted with the utmost sincerity irrespective of the investigator's initial opinion about the merits of the report. Simply because a claim does not appear at first blush to amount to harassment does not mean that the charge is not some other type of behavioral or environmental problem. If a person is concerned, enough to report the actions of another employee to management, the investigator should mirror that concern in the fact-finding process.
- 4) Timeliness and Length of Investigation - The basic rule for investigations is the sooner the better. Investigations should begin promptly after a report is made and generally conclude within three to five business days. Exceptions will occur, of course, but the exceptions should not be frequent. The length of most inquiries will be dictated by witness availability.
- 5) When Investigations are Appropriate - Most reports of sexual harassment should be investigated. Only when all statements and allegations of charges are accepted as true, yet still do not amount to sexual harassment should an investigation be waived.

C. DOCUMENTATION

Documentation is critical at every step of the investigation, determination and disciplinary processes. It provides an accurate record of what transpired thereby creating an objective portrait of the events for current and subsequent use.

Documentation of interviews must be absolutely thorough. The idea is to commit to writing everything substantive said by the interviewee. The best ways to accomplish this is to have the interviewee personally prepare a statement of events or confirm that the interviewers' notes are complete. The best documentation concludes with a written confirmation by the person being interviewed that the interview documentation is "complete, all inclusive and accurate."

Documentation of the determination stage should reflect the thought processes utilized and indicate how and why credibility decisions were made. All participants involved in this stage should be identified.

Disciplinary stage documentation should follow the same outline as the determination stage. Thought processes and alternatives discussed should be recorded. A complete record of the meeting in which discipline was announced should be made, specifically indicating what the party being disciplined said or did during the meeting.

7. PROCEDURE

Interviews - In virtually every instance, the following individuals need to be interviewed:

Accuser

Accused

Witnesses identified by both the accused and accuser

Your questions should be designed to elicit all information about the challenged conduct that is available. This should always include "who, what, when, where, who else and why" type questions. The more specific the detail the better. Dates and times are important, as are identification of other individuals who may have information related to incident or incidents being investigated. The questions asked should not embarrass or humiliate the interviewee keeping in mind that the sensitivity of the subject matter involved will require candid discussion of sometimes uncomfortable or awkward situations. This should not dissuade the interviewer from asking these questions in a polite and professional manner.

A. Who Should Conduct the Investigation?

This should be decided on a case-by-case basis, depending on the particulars of the allegations made and the identity of the people at issue. Generally, however, the Human Resource Director should lead the investigation. The investigation team should generally include the supervisor of the accused and, if practical and appropriate include both men and women. Interviews should normally be conducted by two members of the investigation team in order for perceptions and facts to be discussed and confirmed, and to assist in credibility determinations when necessary. There will be occasions when the person to be interviewed will feel uncomfortable with certain interviewers or with having more than one person conduct the interview. In those instances, the interviewer should be changed or only one person should conduct the interview. The objection to the number of interviewers must be well reasoned before the interview team is decreased in size; however, if the charge of sexual harassment directly involves the Human Resource Director, the appropriate investigation procedure should be reviewed with legal counsel before it is initiated.

B. Tangible Evidence

This includes any type of documentation ranging from notes, letters, diaries, and memos to electronic transmissions and recordings of in person or telephone conversations. The interviewers should ask every person interviewed to produce whatever type of tangible evidence they have to support or refute the positions taken. It would be beneficial to have each person interviewed confirm each piece of tangible

evidence that has been produced during the investigation and that it is all of which the interviewee is aware.

C. Factual Decision Making

The investigation team should lead this process. It is often beneficial to have a management employee involved who is not part of the investigation team to provide an "outsiders view" and to ensure objectivity. If practical, the decision making process should involve both men and women. Credibility determinations should generally be left to the interviewing team unless conclusions of that team are clearly erroneous. All documentation reasonably available or otherwise produced by those persons interviewed should be specifically identified, logged and reviewed prior to any decision being made. A single set of notes should be produced for the decision making stage, and confirmed and agreed to as being accurate by those involved. If a dissenting view exists, that person should be allowed to provide a written account of his or her opposition. Although not required, it may occasionally be appropriate to request that a non-management employee participate in the decision making process. This will further ensure objectivity and provide a different perspective. Before inclusion, however, any such person should be required to thoroughly review the City's Policies and have any questions about harassment standards answered. The non-management employee should also willingly serve in this role rather than be forced to serve. Typically, no one with less than five years of City of El Reno service should be selected for this position.

D. Discipline

The goal is to ensure that punishment is commensurate with the wrongdoing. This can range from oral counseling to immediate termination. Although harassment may not have been committed, discipline may be warranted for creating an inappropriate situation, allowing improper behavior or, if a management employee, allowing a situation to occur where allegations of misconduct could be made without fabrication. All discipline should be prompt.

E. Feedback

At the conclusion of the entire process, all parties should be advised of the outcome of the investigation and any disciplinary actions taken. In the event, harassment is not found to exist, the complaining party should be advised and an explanation should be given about why the conduct did not amount to harassment. If the aggrieved party is not satisfied with that outcome, an appeal may be lodged pursuant to City of El Reno's Harassment Policy.

ALL EMPLOYEES ARE AT WILL EMPLOYEES.

200. Administration/Organization

201. Management Rights

Specific areas of responsibility must be reserved to Management if the public service mission of the City is to function effectively and if rules and regulations are to be administered fairly, consistently, equitably and without discrimination and these rights shall not be diminished by action of labor organizations and any related working agreement.

The Management Rights of the City Are

1. Determine the nature, scope and definition of the City organization including: classification, selection number, retention, promotion, reorganization, transfer, deployment, assignment, layoff, recall, and scheduling of employees.
2. Determine the methods, means, tools, equipment, and personnel by which operations are to be conducted, including the right to contract and subcontract existing and future work.
3. Direct, supervise and manage employees.
4. Discipline, suspend, demote, and/or discharge employees in accordance with policies of the City.
5. Require as a part of normal employee development, in order to maintain at least at the minimal skills required of the classification, and in order to aid in the professionalism and general upgrading of the department, that employees take appropriate related training either on or off duty, in order to fulfill the responsibilities of the position.
6. Take the necessary measures to maintain optimum productivity in operations.
7. Determine the necessity for and assignment of overtime in compliance with appropriate related legislation and/or court rulings and policies.
8. Determine the scope, priority, and amount of budget allocations, and take any action warranted by the City's financial or budgetary condition.
9. Determine City policy concerning employment, pay and benefits.

202. Purpose of Employee Handbook and Policies

The purpose of these regulations is to provide for the orderly administration of the personnel system of the City and to document in a consistent manner the rules and regulations which apply to employment with the City of El Reno. The regulations are intended to promote efficiency and economy, reward merit, provide for settlement of grievances, develop and maintain morale, and establish equitable and non-discriminatory standards for the classification and compensation of City employees.

203. Chain of Command/Form of Government

The City of El Reno operates under a council/manager form of government. The City Manager is appointed for an indefinite term with a majority vote by all City Council Members. The City Manager supervises the Departments of the City.

The Chain of Command is from the employee to their immediate supervisor to the Department Head, if the immediate supervisor is not the Department Head, and to the City Manager. Employees should follow the chain of command in resolving grievances, asking questions and making suggestion whenever possible. However, for those policy violations where the supervisory by-pass procedures are applicable, going to the next level of supervision is permitted.

204. Distribution of Employee Handbook

Copies of the Employee Handbook will be made available to each department within the City and each employee is given a copy and acknowledges receipt in writing. The Human Resource Director will maintain on file the original copy and any changes in the handbook will be made available to the departments as soon as possible after their adoption.

205. Positions Covered

All officers and positions of the City are hereby divided into the exempt and nonexempt. The provisions of these rules and regulations shall apply to the exempt and nonexempt unless modified by collective bargaining agreement or specifically provided otherwise.

206. Exempt Employees Under the Fair Labor Standards Act

This provides general information concerning the definition of exempt employees, as provided by Section 13 (a) (1) of the FLSA and as defined by Regulations of the U.S. Department of Labor, 29 CFR Part 541. Positions which satisfy these criteria are exempt from overtime pay.

1. Characteristics of Exempt Positions

Section 13 (a)(1) of the FLSA exempts executive, administrative and professional employees from the minimum wage and overtime requirements of the FLSA, provided they meet certain tests regarding job duties and responsibilities and are compensated "on a salary basis" at not less than stated amounts. Subject to certain exceptions set forth in the regulations, in order to be considered "salaried, employees must receive their full salary for any workweek in which they perform any work without regard to the number of days or hours worked. This rule applies to each exemption that has a salary requirement. The special requirements which apply to each category of employees are summarized below.

a) Executive Exemption

Applicable to employees how have management as their primary duty; who direct the work of two or more full-time employees; who have the authority to hire and fire or make recommendations regarding decisions affecting the employment status of others; who regularly exercise a high degree of independent judgment in their work;

who receives a salary which meets the requirements of the exemption; and who does not devote more than 20% of their time to non-management functions.

b) Administrative Exemption

Applicable to employees who perform office or non-manual work which is directly related to the management policies or general business operations of their employer or their employer's customers, or perform such functions in the administration of an educational establishment, which regularly exercise discretion and judgment in their work; who either assist a proprietor or executive, perform specialized or technical work or execute special assignments; who receive a salary which meets the requirements of the exemption; and who do not devote more than 20% of their time to work other than that described above.

c) Professional Exemption

Applicable to employees who perform work requiring advanced knowledge and education, work in an artistic field which is original and creative, work as a teacher, or work as a computer system analyst, programmer, software engineer, or similarly skilled worker in the computer software field; who regularly exercise discretion and judgment; who perform work which is intellectual and varied in character, the accomplishment of which cannot be standardized as to time; who receive a salary which meets the requirements of the exemption (except certain computer occupations); and who do not devote more than 20% of their time to work other than that described above.

d) Non-Exempt Employees Under the Fair Labor Standards Act

Non-exempt positions are all other positions that do not meet the requirements for the executive, administrative or professional exemptions, provided that positions do not meet the criteria for other miscellaneous exemptions for positions in certain industries or for certain types of work. Non-exempt positions are eligible for overtime pay if employees work more than 40 hours a week, except for non-exempt positions in the police and fire department that are subject to the 7(k) exemption due to the nature and hours of their work.

ALL EMPLOYEES ARE AT WILL EMPLOYEES.

300. Recruitment, Selection and Appointment

1. Responsibility of the Human Resource Director

The Human Resource Director, under the direction of the City Manager, is primarily responsible for recruiting candidates for employment in all departments. The Human Resource Director is responsible for listing vacancies with employment agencies, advertising for candidates, notifying trade and professional groups, identifying and maintaining contact with sources of minority and women candidates for employment, circulating lists of vacant positions, posting such lists in city buildings and all other recruiting activities. Applications may be picked up Monday through Friday from 9:00 am until 5:00 pm at City Hall.

2. Departmental Responsibilities

Department Heads and supervisors have the following responsibilities in regard to employee recruitment.

- A. To notify the Human Resource Director and/or City Manager promptly of an impending vacancy (if it is to be filled), as soon as the department head or supervisor has any knowledge that one is expected to occur.
- B. To use the correct title of the position to be filled.
- C. To indicate any special qualifications that the department head or supervisor desires in filling the position as specified in the job description.
- D. To notify the Human Resource Director and/or City Manager promptly when a candidate has been rejected or has been selected as the finalist for the available position.

The City of El Reno is an equal opportunity employer and will not discriminate in the hiring process on the basis of sex, religion, race, color, age, disability, marital or veteran status, or national origin. Complete records of this process will be kept, and all job openings not filled from within the City of El Reno will be placed as equal employment opportunity ads.

The City of El Reno will always try to hire the best-qualified applicant. New positions for which the City of El Reno will advertise will be posted for all current employees to see. Files of applicants will be maintained in the Human Resource Director's Office. These files will be reviewed when seeking new employees.

The City of El Reno will conduct its employee selection policies and procedures so as to achieve the best possible match between applicants for jobs and open positions. In no way will any City of El Reno employee or manager exert personal or professional prejudice against any applicant because of sex, color, race, religion, age disability, martial or veteran status or origin.

Applicants who falsify their job applications or who furnish misleading information are subject to immediate termination at the time that the fraud is uncovered.

301. Reference Checks, Drug Screens and Physical Exams

1. The Human Resource Director shall check the references given by the applicants whenever possible. An unfavorable reference may be cause for rejection of the application.
2. Applicants may also be disqualified for positions for any of the following reasons:
 - a) Failure to meet minimum qualifications.
 - b) Fraud, misrepresentation, omission, concealment, or dishonesty on the part of an applicant to the application form.
 - c) Failure to have a satisfactory employment record.
 - d) Failure to follow instructions or providing insufficient information on the application forms.
 - e) Failure to reply during the recruiting period.
 - f) Conviction of a felony.
 - g) Having a disability that cannot be reasonably accommodated without posing undue hardship.
3. Pursuant to the City's drug policies, drug screens shall be performed on all candidates recommended for appointment. A work steps examination, which is a pre-employment physical examination, shall be performed on all employees or all employees offered a job in the same position or classification pursuant to the Americans with Disabilities Act.
4. Applicants who submit to the City's pre-employment drug screen and physical examination shall be truthful and candid during the screen process. All confirming positive drug screens will be grounds for denial of employment or promotion, all applicants who fail the physical examination will be denied employment or promotion.

302. Screening

1. The Human Resource Director shall screen all candidates for appointment according to established qualification requirements and determine preliminary eligibility. Unqualified candidates shall be refused appointment, and the reasons for such refusals shall be recorded in writing.
2. The making of false statements, misrepresentations or omissions on an application is cause for refusal of employment and if discovered after appointment is cause for dismissal.

303. Certification and Appointment

1. Human Resources will review and screen qualified applications. Interviewing authorities who are to interview applicants for employment with the City have the right to review all job applications received to fill a position vacancy for which they are the interviewing authority.
2. The Human Resource Director will certify job applicants after preliminary screening, and forward to the interviewing authority the applications. All applicants referred to the interviewing authority will be interviewed and considered for appointment to fill the vacancy. The reasons for rejections of applicants will be recorded in writing.
3. When a vacancy is anticipated or occurs in the City, the Human Resource Director shall cause notices of the vacancy to be posted.
4. In order to maximize promotion opportunities for existing City Employees, the City Manager is authorized to establish administrative procedures which will result in exclusive seven day recruiting periods for certain positions in the City. Such administrative procedures should include provision for discussion with the Human Resource Director and Department Heads to indicate the appropriate positions. During established recruiting periods, the Human Resource Director shall cause notices of the vacancy to be posted at various locations throughout the City's facilities.
5. For recruiting for positions not included in the listing of preference to internal recruiting periods or for recruiting where a qualified internal candidate cannot be selected, the Human Resource Director shall simultaneously seek to obtain candidates from other sources. The Human Resource Director shall certify the most qualified of those external candidates who meet the minimum qualifications of the position being advertised and all existing city employee's who meet the minimum qualifications.
6. In the event that a city employee's experience, qualifications, and previous performance are equal to the best qualified of the other candidates; preference shall be given to the city employee.
7. The department head may transfer a consenting employee from a position of a class within the pay plan to another position in the same class upon mutual agreement, and with the approval of the City Manager, provided it is in the best interest of the City. The City Manager may involuntarily transfer an employee whenever it meets the good of the service.
8. All appointments for employment with the City shall be subject to approval to the City Manager.

304. Types of Appointments

Appointments of employees to positions under these rules shall be of the following types:

1. Full-Time shall be those employees on a regularly established work schedule for an indefinite period of time. Full-time employment will generally be a 40-hour schedule for all personnel except those in the fire service who may be scheduled to a 56-hour schedule.
2. Part-Time shall be those employees on a semi regular established work schedule for an indefinite period of time. For part-time employment, it will generally be a 30-hour schedule.
3. Temporary or seasonal shall be those employees who are employed for a limited period of time.
4. Emergency Status Employees shall be those employed for a very short period of time when unforeseen events require additional City services for the protection of the lives, safety, or health of the public or the protection of private or municipal property. Such employment shall not last longer than consecutive workdays or 30 workdays in any fiscal year.

305. Employee Orientation

The Department Heads and Supervisors shall insure that all new employees are properly oriented. Such orientation training includes the duties of the position, the hours of work, relationship to the other employees, safety precautions, the rights and obligations of an employee, and information about the unit and department. The new employee should be made to feel welcome and be encouraged to ask questions, especially during the employee's first weeks at work. The employee shall also be shown a set of these rules. The Human Resource Director will also present a briefing on this policy and employee handbook, and other personnel matters.

ALL EMPLOYEES ARE AT WILL EMPLOYEES.

400. Probationary Period

Every employee shall serve a probationary period for the first six (6) months of work. The probationary period may be extended up to three (3) months with a recommendation from the Department Head and approval by the City Manager. Employees who will be covered by a collective bargaining agreement will be on probationary status according to the terms of the collective bargaining agreement.

When an employee first reports for work, the employee shall be notified by his Department Head or by Human Resources of the six (6) month probationary period. During that time, the supervisor will observe the employee's work with particular care, will be responsible for the employee's training, and will advise the employee in the performance of the employee's duties and the employee's relative progress in the job.

At least ten days prior to the expiration of the probationary period, the supervisor shall conduct a performance evaluation of the probationary employee to determine whether or not the employee has successfully passed his or her probationary period. A probationary evaluation form may be obtained from the Human Resource Director. At this time the supervisor will complete the evaluation form and go over the form with the employee. The supervisor will either at this time recommend dismissal of the employee, recommend a salary increase for successful completion of the probationary period (depending on the available funding) or to extend the probationary period which must be accompanied with the proper justification.

Completion of the probationary period does not confer employee status or job tenure. Employees of the City are at-will employees both during and after their probationary periods.

ALL EMPLOYEES ARE AT WILL EMPLOYEES.

500. Classification and Pay

501. Classification Plan

1. All City positions as established by appropriations, whether occupied or vacant, are allocated to classifications of work in accordance with the actual duties and responsibilities of the several positions. There may be one or more positions in a classification. Each classification is, in turn assigned to a pay grade. The grades are from the minimum to the maximum. The body of classifications and pay grades constitutes the City of El Reno Position Allocation Chart and Pay Plan.

502. Maintenance of the Position Allocation Chart and Pay Plan

1. The Human Resource Director shall have primary responsibility for maintenance and administration of the City of El Reno Position Allocation Chart and Pay Plan. As the duties of positions change, the positions shall be reviewed for reallocation to different classifications and the appropriateness of the classifications shall likewise be reviewed and changes made upon approval of the City Manager.
2. Department Heads and Supervisors have a duty to report substantial changes in the duties and responsibilities of positions under the Department Head and Supervisor's control in order that classification adjustments may be made.

503. Pay Plan

1. A uniform and equitable pay plan shall be prepared and kept up-to-date by the City Manager and submitted to the Council for approval. The pay plan shall consist of pay grades for each position and shall be based on the ranges of pay for other positions, requisite qualifications, general rates of pay for comparable work in other public and private employment in the area.
2. Non-exempt employees working part-time or for only part of a pay period shall be paid at an hourly rate for the time actually worked.

504. Starting Pay

1. New employees shall normally start work at the minimum salary of the grade to which their positions are allocated by the pay plan. Upon successful completion of the probationary period, employees may be eligible for a pay increase based upon the employee's meritorious performance during the probationary period.
2. In the case where a candidate for employment clearly has exceptional qualifications for the position, the candidate may be employed initially in the pay plan higher than the minimum salary. Approval for such within-range recruitment may be approved only by the City Manager and the Department Head.

505. Merit Pay Increases

1. Merit Pay Increases are intended to recognize the increased value of the employee to the City of El Reno as the employee gains experience and to reward meritorious performance.
2. A merit pay increase shall normally be granted for an employee who has received a rating of fully meets or outstanding in the employee's most recent performance evaluation, unless the City's financial condition warrants otherwise or there exists another legitimate reason to withhold a merit increase. The City may freeze its pay plan or merit increases based on the City's financial condition. Employees who are at the maximum salary for their positions are not eligible for a merit pay increase.
3. It is the duty of Department Heads and Supervisors to identify outstanding workers and to recommend to the City Manager that the outstanding workers be granted merit pay increases. Conversely, it is the duty of supervisors to withhold pay increases for employees whose performance is substandard.

506. Promotions

Promoted employees shall receive a pay increase of at least five percent (5%) at the time of the employee's appointment and are to be reviewed thereafter for possible merit pay increases. The promoted employee will have a six (6) month probationary period in their new position. No employee shall be paid more than the maximum pay for the pay grade to which the position is assigned. If the employee is not successful, he will be given preference for another job opening.

507. On Call Pay

In order to receive on call pay an employee must be on call during the employee's non-duty time, including weekends and holidays during a period where no other employees in the division are scheduled and available to provide services.

Employees who are regularly required to be on call shall receive the equivalent to two (2) hours of straight time pay, when required to be on call for 24 hours or more shall be paid four (4) hours straight time pay.

Emergency call-out of regular employees on call during the employee's non-duty hours will be subject to regular overtime.

An employee designated to be on call who cannot be reached shall be subject to disciplinary action, up to and including discharge.

508. Temporary Promotion

Employees who are promoted on a temporary basis (longer than one pay period) shall receive a salary of the entry level of their temporary position or at least five percent (5%) increase, whichever is greater, for the period of the temporary promotion. If a temporary promotion

results in a permanent appointment, another salary increase may be granted if justified by operational concerns, increased responsibility, and budgetary conditions.

509. Longevity

1. Your hiring date establishes your longevity date and remains unchanged. Your longevity date is used to:
 - A. Establish eligibility for employee benefits.
 - B. Accumulate benefits with the pension plan.
 - C. Determine preference for inter-area transfers.
 - D. Establish eligibility for longevity pay.
 - E. Determine when the employee is eligible for vacation.
2. Employees are eligible for longevity after they have completed three years of service with the City of El Reno. At this time employees will receive \$30.00 per year of service up to a maximum of \$600.00 for 20 years of service. Procedures for payment of longevity are as follows:
 - A. For employees who have completed three years of service longevity will be computed to an hourly rate and will be included in their pay every two weeks.

510. Anniversary

1. An employee's anniversary date is established on the date of your last promotion. The anniversary date is used to:
 - A. Establish an eligibility date for an annual evaluation and possible merit increase.
 - B. Determine preference for inter-area transfers.

511. Pay At Separation Or Termination

1. Employees leaving the City employment in "good standing", after having been employed at least one (1) year, shall be paid for accumulated vacation leave. In order to terminate employment in good standing, full-time regular employees are required to give at least ten (10) working days or two weeks notice, and part-time employees, at least five (5) working days notice prior to the effective date of the resignation. In addition, good standing is not being terminated for the good of the service. Without good cause demonstrated by the employee, the City will place a "no rehire" in the employee's file for failure to provide proper notice.
2. An employee leaving the City service for any reason is required to return any City property, which he or she may have in his possession. Final checks will not be given until all City property is returned. The employee's final check may be adjusted to cover the value of City property not returned.

512. Educational Incentive Program

1. Eligibility.

- A. The recipient must be a regular full-time employee who is not on probationary status.
- B. The employee's last performance evaluation must reflect an overall rating of fully meets or outstanding.
- C. The employee must receive a letter grade of "C" or above in college or university undergraduate courses, a grade of "B" or above in a graduate course or a certificate of satisfaction upon completion of a vocational education course.
- D. Courses must be job, degree, and/or city related, and the maximum hours allowed per semester is six (6) hours not to exceed a maximum of \$600. per semester. Such courses must be pre-approved by the Department Head and the City Manager. The employee must submit a degree plan to be eligible for this program.

2. Processing.

- A. After satisfactory completion of the course, the employee shall submit documentation of completion of the course as follows: certificate of satisfaction upon completion of the course or an official statement from the institution which indicates the actual grade received; and all receipts for tuition, books and other eligible expenses and documentation of the required books and related fees of the course from the institution.
- B. The City will reimburse regular full time employees an amount equal to 90% of the eligible education costs for job related or city related courses if money has been appropriated in the current budget.
- C. If employee does not continue employment with the City of El Reno for a period of one year after completion of training at the City's expense, the City shall be reimbursed in full for the cost of the training. The reimbursement will be withheld from employee's final check.

ALL EMPLOYEES ARE AT WILL EMPLOYEES.

600. Hours of Work and Overtime

601. Hours Of Work

On approval by the City Manager, Department Heads may establish work schedules and work periods for regular employees to meet the department's specific needs. Unless otherwise specified, controlled by contractual provisions or regulated by law, there is established for regular employees a series of seven (7) day work periods for determining overtime hours worked. The seven (7) day periods shall begin at 0001 hours, each Saturday and shall end at 2400 hours the following Friday. Each succeeding seven (7)-work period will begin immediately at the expiration of the prior seven (7) day work period. Unless otherwise specified, the normal working hours for regular employees shall be 8:00 a.m. to 5:00 p.m. with one hour for lunch, five (5) days a week. The City payroll periods shall include two (2) normal work periods and payment shall be made as reasonable and proper in accordance with municipal accounting standards.

602. Overtime

1. Non-exempt employees may from time to time be expected to work overtime by their supervisors; overtime shall be worked only with specific authorization of the supervisor.
2. All time worked in excess of forty (40) hours each established work period should be paid at the rate of time and a half of the non-exempt employee's regular hourly rate for such time worked in excess of forty (40) hours.
3. An employee may be allowed to accrue compensatory time with prior approval of the Department Head. At no time shall the compensatory accruals be allowed to exceed forty (40) hours. The accrual of compensatory time will be at a rate of 1.5 hours per hour worked over forty (40) hours a week if the employee chooses or the City will pay for hours worked at the employee's respective overtime rate. Employees covered under bargaining agreements or whose regular schedule is different than a 40-hour week, shall be paid overtime in accordance with their contract or work schedule and in accordance with the Fair Labor Standards Act.
4. Compensatory time may be accrued with prior approval by the Department Head. Compensatory time may be taken as requested with approval by the Department Head. A Department Head may require an employee to take compensatory time off.
5. Any non-exempt employee who has accrued compensatory time off shall, upon separation from City service, be paid for unused compensatory time at the rate of compensation paid at the time of separation.

603. Exempt Employees

1. Certain positions within the position classification plan are exempt from overtime in accordance with the Fair Labor Standards Act. This determination is based on duties, salary, requirements and responsibility definitions contained in the law. All exempt employees whose duties, salary, job requirements and responsibilities

classify them in accordance with the Fair Labor Standards Act, as exempt employees shall not be charged for leave from work for any period less than a full work day. All absences from the workplace for exempt employees for full workdays shall continue to be handled in accordance with the appropriate City leave procedures.

2. Non-exempt employees transferring or being promoted to an exempt position within the City shall use all accumulated compensatory hours as shown on the City's records prior to said promotion or transfer. If not used prior to said promotion or transfer, said employee shall be paid for said accumulated compensatory hours at the hourly rate of pay said employee was earning immediately prior to said promotion or transfer.

ALL EMPLOYEES ARE AT WILL EMPLOYEES.

700. Leave

Accrued leave totals for employees employed prior to the effective date of the revision to the City's leave policies, which date is April 3, 2002, shall be entitled to retain such leave amounts, and to take such leave upon request and authorization by the City. After the effective date of the leave policy revisions, all employees shall accrue leave as provided in the leave policies and be required to use leave as provided in such policies.

701. Vacations

Accrued vacation leave totals for employees employed prior to the effective date of the revision to the City's vacation leave policies, which date is April 3, 2002 shall be entitled to retain such vacation leave amounts and accrue vacation leave at current vacation accruals until December 31, 2002 and to take such vacation leave upon request and authorization by the City. After the effective date of the vacation leave policy revisions, all employees shall accrue leave as provided in the vacation leave policies and be required to use vacation leave as provided in such policies.

1. All full-time employees, except bargaining units and City Manager, who have been employed by the City for a continuous one (1) year period shall be entitled to the following schedule of paid vacation time:

<u>Length of Continuous Service</u>	<u>Hours per Pay Period</u>	<u>Maximum Accrual Hours</u>
0 to less than 5 years	3.08	120
5 to less than 10 years	4.62	140
10 to less than 15 years	4.62	160
15 to less than 20 years	4.62	180
20 or more years	6.16	200

2. A regular part-time employee (one who works at least 1040 hours annually and is not a temporary or seasonal employee) who has been employed by the City for a continuous one (1) year period shall be entitled to the following schedule of vacation time:

<u>Length of Continuous Service</u>	<u>Hours per Pay Period</u>	<u>Maximum Accrual Hours</u>
0 to less than 5 years	1.54	60
5 to less than 10 years	2.31	70
10 to less than 15 years	2.31	80
15 to less than 20 years	2.31	90
20 or more years	3.08	100

3. The time at which any employee may take his vacation shall be determined and approved by the Department Head with due regard for the wishes of the employer, but with particular regard for the job requirements of the employee.
4. Vacations for bargaining units and the City Manager shall be accrued and used as per contracts.
5. Illness or injury occurring while an employee is on vacation shall not be charged to sick leave but shall remain as vacation.
6. Accrual of vacation will begin on the first day of employment, however no vacation time shall be taken during the first year of employment except in those cases as recommended by the Department Head and approved by the City Manager.
7. Any accrual in excess of the maximum shall be lost to the employee.

702. Vacation Periods and Scheduling

1. Vacation periods and scheduling are subject to approval/disapproval by the Supervisor, Department Head, and the City Manager.
2. Vacations may be taken any time during the year providing the absence will not create undue hardships on the Department.
3. Vacation scheduling shall be granted when possible by seniority (length of service) and/or on a first request basis within each department.
4. The needs of the Department shall take precedent over the vacation period.
5. Requests for vacation should be submitted on the appropriate form no less than five (5) working days prior to the first day of leave. Changes of vacation scheduling should also be all be submitted five (5) days in advance. No employee shall take his leave without prior permission of the Department Head.

703. Holiday

1. The following holidays are declared holidays for all City employees and officers with the exception of regular part-time, seasonal, and temporary employees:
 - A. New Year's Day (January 1)
 - B. President's Day (third Monday in February)
 - C. Good Friday (Friday before Easter)
 - D. Memorial Day (the last Monday in May)
 - E. Independence Day (July 4)

- F. Labor Day (the first Monday in September)
 - G. Thanksgiving Day
 - H. Friday after Thanksgiving Day
 - I. Christmas Eve (December 24)
 - J. Christmas Day (December 25)
2. For those declared holidays, which fall on a weekend:
- A. If the holiday falls on a Saturday, the preceding Friday will be considered the holiday; and
 - B. If the holiday falls on a Sunday, the following Monday shall be considered the holiday.
3. If an employee is sick, the employee will not be charged sick leave for the declared holiday during the absence;
4. If an employee is on vacation, the employee will not be charged vacation leave for the declared holiday observed during the absence.
5. If an employee, who is eligible to receive overtime is required to work an authorized holiday, he shall be compensated according to one of the following as deemed applicable:
- A. If an employee is scheduled to work an authorized holiday, the employee shall receive either an additional eight (8) hours of pay for the holiday, or another day off during the same work period.
 - B. If an employee is called to work on an emergency basis, all hours paid for work performed on a holiday will be paid at double time, up to eight (8) hours specified for that holiday.
 - C. If a holiday falls on the employee's scheduled day off, the employee shall receive either an additional eight (8) hours of pay for the holiday, or another day off during the same workweek.
 - D. An employee who has worked at least forty (40) hours in a work week, and is required to work an authorized holiday, shall be compensated at time and one-half for the hours actually worked on that holiday in addition to receiving another day for the holiday.

When an employee is to be given another day off for the holiday, it shall be taken during the same workweek, if possible. If not, the day off shall be taken within the same work period, if possible. Or it shall be taken as agreed upon by the employee

and Department Head as long as such time off is taken no later than the end of the following pay period.

704. Sick Leave

Accrued sick leave totals for employees employed prior to the effective date of the revision to the City's sick leave policies, which date is April 3, 2002, shall be entitled to retain such sick leave amounts and accrue sick leave at current accruals until December 31, 2002 and to take such sick leave upon request and authorization by the City. This accrued time will be eligible for 1/3 payment at time of retirement. After the effective date of the sick leave policy revisions, all employees shall accrue sick leave as provided in the sick leave policies and be required to use sick leave as provided in such policies.

1. Sick leave shall be granted to an employee only when the employee is unable to perform the employee's duties due to personal sickness or injury, for medical, optical, or dental appointments, or for necessary care and attendance for a member of the employee's family who resides with the employee or is dependent on the employee to handle any contagious or critical illness or disease. Employees shall notify their supervisor within one hour of the beginning of their work schedule of their intention to use sick leave. Any such sick leave granted for medical, optical, or dental appointment shall not exceed the actual time necessary for the examination or treatment and reasonable travel time (as determined by the Department Head). Any other request not fitting the above criteria shall be for vacation leave.
2. All full-time employees of the City of El Reno, after 90 days of full-time employment are eligible for sick leave with pay which they will accumulate at the rate of eight (8) hours of leave for each calendar month of employee service with the City. Any such leave accumulated, which is not used in a year, may be carried over as accumulated leave for the succeeding year up to a maximum of sixty (60) working days.
3. All part-time employees of the City of El Reno, after 720 hours of part-time employment are eligible for sick leave with pay which they will accumulate at the rate of four (4) hours of leave for each calendar month of employee service with the City. Any such leave accumulated, which is not used in a year, may be carried over as accumulated leave for the succeeding year up to a maximum of thirty (30) working days.
4. Sick leave may not be converted to vacation.
5. Employees absent from work due to any sick leave, vacation, for any disability arising from injuries sustained in the course of their employment, for all authorized leaves of absences with pay, and for authorized leaves without pay for over two biweekly pay periods, shall not continue to accumulate sick leave during such absences unless the absence is designated as FMLA (Family Medical Leave).
6. The Department Head shall require a doctor's certificate before approving sick leave with pay of three (3) days, or for any amount of time if the Department Head has reason to believe an employee is misusing paid sick leave. Sick leave is a privilege

and will continue to be allowed as long as the employee does not abuse the privilege and provides necessary documentation to receive the benefit. Such documentation includes keeping Human Resources notified on a regular basis during the time off concerning status and expected time off. Failure to provide such documentation or notification will be grounds for denial of sick leave and/or other discipline.

7. An employee terminating from City service shall not be allowed to use sick leave in the last two calendar weeks of employment with the City (unless in conjunction with FMLA).
8. Accrual of sick leave will begin on the first day of employment.
9. Sick leave for bargaining units and the City Manager shall be governed by contract.

705. Emergency Leave

1. In the event of death, in an employee's immediate family, the employee may be granted emergency leave. This emergency leave shall be leave with pay, but shall not be charged to either sick leave or vacation leave for the first twenty-four (24) consecutive work hours or three (3) working days per calendar year. The City Manager may extend this emergency leave to five (5) working days based on the needs of the service.
2. Immediate family as applied to this consists of the following: spouse, children, brothers, sisters, parents, father-in-law, mother-in-law, grandparents, grandchildren, brother-in-law, sister-in-law, son-in-law, daughter-in-law; or any relative residing permanently with and dependent upon said employee. For funeral attendance of individuals not falling within this definition, the employee may request vacation or compensatory time.

706. Family Medical Leave

1. Employees who have worked for the City of El Reno for at least twelve (12) months and have performed at least 1,250 hours of service during that time are entitled under the Family and Medical Leave Act to take up to twelve (12) weeks of unpaid family leave during any twelve (12) month period. Family leave time is permitted for the birth, adoption or serious health condition of a child; to care for a parent or spouse with a serious health condition; or for the employee's own serious health condition.
2. The following definitions shall apply:
 - A. "Child" means son or daughter under 18 years old or if over 18 years old or older is incapable of self-care because of mental or physical disability.
 - B. "Son" or "daughter" means a biological, adopted, or foster child, a stepchild or legal work or child of a person standing in the place of a parent.

- C. "Parent" means the biological father or mother of the employee or an individual who stood in place of the biological father or mother when the employee was a son or daughter. This term does not include "in-law".
 - D. "Spouse" means the husband or wife of the employee as the case may be. This term does not include an unmarried domestic partner.
 - E. "Serious health condition means an illness, injury, impairment or physical or mental condition that involves either:
 - 1) Inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider, or
 - 2) Any period of incapacity requiring absence from work of more than three (3) calendar days, that also involves continuing treatment by or under the supervision of a health care provider, or
 - 3) Continuing treatment by or under the supervision of a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three (3) calendar days; or for prenatal care.
 - F. "Health care provider" means those providers as defined by 825.118 of Title 29 Part 825 of the Code of Federal Regulations.
 - G. "Continuing treatment," means treatment by a health care provider is defined by 825.114(b) of Title 29 Part 825 of the Code of Federal Regulations.
 - H. "Twelve (12) month period" means a "rolling" twelve (12) month period measured backward from the date an employee uses any Family Medical Leave Act leave. Each time an employee takes Family Medical Leave Act leave the remaining leave entitlement would be any balance of the twelve (12) weeks, which has not been used during the immediately preceding twelve (12) months.
- 3. Family Leave expiration. The right to family leave for the birth, adoption or placement of a foster child expires twelve (12) months after the birth, adoption or placement of a foster child with the employee for foster care by the employee.
 - 4. Both spouses working for the City. The total family leave that may be taken by both spouses who are employees of the City shall not exceed a total of twelve (12) weeks if the leave is taken for birth, adoption, or placement of a foster child or parent. This does not apply to the employee's own serious health condition, the care of the employee by the spouse or to care for a child with a serious health condition.
 - 5. Family Leave may be taken on an intermittent or reduced schedule if certified medically necessary for serious health condition, subject to the limitation of a total of twelve (12) workweeks in a twelve (12) calendar month period. Leave for the birth or adoption of a child cannot be taken on an intermittent or on a reduced schedule. An employee on intermittent or reduced scheduled leave may be temporarily reassigned without loss of pay or benefits.

- A. Reduced leave means a leave that reduces the employee's normal number of hours per workweek or workday.
 - B. Intermittent leave means a leave of one hour or more but less than twelve (12) weeks in duration.
6. The following procedures shall apply when requests for family leave are made:
- A. If the need for leave is foreseeable, the employee must provide reasonable advance notice of at least thirty (30) days to the immediate supervisor.
 - B. If leave is to care for a serious health condition of a child, spouse or parent or for the employee's own health condition, the employee must provide a certification from the health care provider, which states:
 - 1) Date of commencement of serious health condition; and
 - 2) Probable duration of the condition; and
 - 3) Appropriate medical facts; and
 - 4) Confirmation that the serious health condition warrants the participation of a family member; and
 - 5) For an employee's own health condition, that the employee is unable to perform the employee's job function.
 - C. A request for family leave based on non-medical emergency with less than 30 days' notice may be denied where undue hardship to the City's operations would result.
 - D. An employee taking family leave will continue participating in the City health benefit plan in which the employee was enrolled prior to the first day of leave. The employee will be required to make payments for any dependent coverage in which the employee's family members were enrolled prior to the first day of leave. If an employee taking family leave does not make payments for dependent coverage on a timely basis, such coverage may lapse. If the City makes the employee's payment for dependent coverage during the time the employee takes family leave, the employee will be required to repay the City for such payments.
 - E. The City encourages employees taking family leave to use any accrued paid leave during the period of leave. Such time will count toward the twelve (12) work weeks allowed. The term "paid leave" includes vacation, sick leave, compensatory time, holidays and donated leave. Sick leave is not required to be used by the employee if the reason for the family leave is childbirth, adoption or placement unless the employee so chooses.

- F. The City may request that leave taken on an intermittent or reduced schedule be re-certified as often as every 30 days. The City also may request that leave taken for pregnancy, chronic or permanent/long-term conditions under continuing supervision of a health care provider be re-certified as often as every 30 days, and any time circumstances described in a previous certification change significantly or the City receives information that casts doubt upon the employee's stated reason for the absence.
 - G. Employees taking leave under this for the employee's own serious illness shall be required to provide a certificate from a health care provider certifying that the employee is able to return to work and perform the employee's regular duties. The Americans with Disabilities Act provisions shall be applied as warranted to each individual case.
 - H. The employee shall report to his supervisor at least weekly on his status and the employee's intention to return to work if the leave period exceeds two-weeks in duration.
- 7. Employees who are eligible for family leave and who are granted family leave, are entitled to be reinstated to the same position held when leave commenced, or an equivalent position, at the end of the employees' family leave period, provided the employee is able to perform the essential functions of the position.
 - 8. If the employee is unable or fails to return at the end of the twelve (12) week family leave period, the employee's right to continued employment shall cease on the earliest of one of the following dates unless an accommodation under ADA has been requested and approved.
 - A. On the date the employee advises the City that the employee does not intend to return to work.
 - B. If the employee is physically able to return and the cause for the leave no longer exists then said date is retroactive to the first date of said leave and any premium paid by the City in maintaining the employee's health coverage, shall be reimbursed by the employee to the City.
 - C. If the condition still exists for which the leave was authorized, the date shall be the last day of the 12-week period. The City shall not be entitled to recovery of the City's portion of the employee's health coverage.

707. Other Leaves

1. Military Leave.

- A. Employees who enter the military service by draft or enlistment shall be granted a leave of absence for that purpose and at the conclusion of such leave of absence shall be reinstated in accordance with all applicable provisions of the Uniformed Services Employment and Reemployment and any other applicable laws in effect.

- B. Employees granted military leave of absence may count such service as time spent on the job for computing seniority in the event of a lay off or any benefit tied to seniority.
- C. Any employee appointed to a vacancy created by the granting of military leave shall have their appointment designated as "military replacement" and the length of such appointment shall be limited to the length of military leave granted the incumbent. If a new employee is hired in the same position after the military replacement, the latter employee will assume the designation of military replacement.
- D. Periods of absence up to twenty (20) working days during any federal fiscal year (October 1 - September 30) shall be authorized for active duty training with reserve components of the U.S. Armed Forces (Army or Air National Guard, or Army, Air Force, Navy or Marine Reserves). During such periods, the employee shall, when ordered to active duty by proper authority, be entitled to a military leave of absence from the City employment without loss of status or efficiency rating, and without loss of pay. Employees will be required to submit official documentation to receive time off.

2. Leave Without Pay.

When circumstances justify, Department Heads may grant leaves of absence without pay for periods not to exceed one week. Additional leave without pay must be approved by the City Manager who shall be the sole determiner of the length of such additional leave. No leave will be granted for the purpose of enabling employees to accept temporary employment with other employers.

3. Civil Leave.

Employees shall be given necessary time off with pay while performing jury duty, appearing in court as a witness in answer to a subpoena, in an official capacity in connection with the City or as an expert witness either because of professional or observed knowledge, and/or performing emergency civil duty in connection with national defense. Any compensation received by an employee while on civil leave shall be paid to the City except for expense reimbursement.

Employees excused from such civil duty during the employee's regular city duty hours shall return immediately to the employee's city duty station.

If an employee is involved in a personal court case, either as a plaintiff or as a defendant, in a suit not resulting from his duties with the City, he shall be granted Leave Without Pay unless the employee elects to utilize available vacation or compensatory time.

4. Workers Compensation Leave.

It is the policy of the City of El Reno to provide compensated leave for employees who incur disabilities, which can logically and medically be proved to be the result of

accidental injury arising-out-of and in the course of employment with the City. Workers Compensation Leave shall be the necessary absence from duty of an employee because of an injury suffered while properly performing the duties of the position without negligence or misconduct on the part of the employee. Any employee who shall receive payment for work performed for any employer other than the City while on approved injury leave shall be subject to immediate dismissal. This provision shall also apply to employees who are self-employed and perform work in their private occupation on approved injury leave.

5. Voting Leave.

Any employee eligible and registered to vote in any election held within this state, or any primary election held in preparation for such election, shall, on the day of such election be entitled to leave from duty (if on duty) which would allow one hour of voting time between the time of opening and the time of closing the polls, unless the employee has two hours before or after his or her regular shift or hours of work in which the polls are open to vote. Employees are required to show current, eligible voter registration cards to their supervisors prior to release for voting purposes.

6. Light Duty.

The City of El Reno has an obligation to its citizenry to insure that all employees are utilized to their fullest extent. In that regard there are times when an employee, for whatever reason, cannot perform the duties of their job classification. However these individuals can perform limited tasks without the risk of extending their recovery period or incurring further injury or prolonging the illness. Therefore it is incumbent on the chain of command to find work, which can be performed by the individual during the period that they cannot perform their normal job duties.

Upon the determination that an employee can/will be released by a medical authority to perform light duties, the Department Head or Supervisor will inform the Human Resource Director. The notice will be in writing and will identify the extent of work that can be performed by the employee and will include a copy of the medical release signed by a medical authority.

Upon receipt of the notice, the Human Resource Director will contact the employee and arrange an appointment to discuss the limits of their ability to perform tasks.

After the interview and determination of tasks that can be accomplished, the Human Resource Director will inform the City Manager of the tasks that the employee can perform and will contact the Department Head or Supervisor with positions that contain the tasks and duties the employee can perform.

A Department Head that is interested in utilizing the employee will notify the Human Resource Director, in writing, describing the nature of the work they wish the employee to accomplish and when they want them to report to work.

The Human Resource Director will contact the medical authority and determine if the nature of work is consistent with the light duty release. If it is, the Human Resource

Director will contact the employee and tell them that a light duty job has been identified, where they will be assigned, what they will be expected to do and the date to report. The Human Resource Director will also inform the department to which the employee is regularly assigned of the light duty assignment.

The Human Resource Director will also inform the department to which the employee is regularly assigned of the light duty job assignment. The Department Head will be responsible to insure that the employee reports to work and accomplishes the tasks assigned, however, the employee will be allowed time off to accomplish any meetings or appointments related to their illness or injury. The employee must perform the tasks assigned satisfactorily or the light duty will be terminated and appropriate action taken.

The employee will continue in the light duty assignment until the tasks are accomplished or a return to regular duties is authorized or determined not physically feasible.

The employee will continue to receive compensation and benefits from their assigned department, however, the department to which they are assigned to perform light duty will provide the department to which the employee is regularly assigned the necessary information to complete the time sheet.

7. Leave Donation Program.

There is a Leave Donation policy available to all full-time City Employees who have at least one year of service with the City of El Reno. Also the employee must have used or will be using all leave available to them before requesting participation in the Leave Donation Program.

The Leave Donation Program is for sick leave or compensatory leave only. Vacation, annual or any other types of leave do not qualify to be donations.

There will be a separate administrative policy covering the Leave Donation Program. Employees who may want to request to receive donated leave shall contact the Human Resources Department for the details and application form. The City Manager will approve or deny each request.

ALL EMPLOYEES ARE AT WILL EMPLOYEES.

800. Discipline and Grievances

801. Discipline

1. Any disciplinary action against an employee will be instituted as promptly as reasonable possible after discovery of offense and investigation by the City.
2. Incarcerated employees are subject to the disciplinary actions and procedures established in this division: The following rules are applicable to the pay and benefits of incarcerated employees:
 - A. An employee who is incarcerated will be allowed to use any accrued vacation or compensatory time during such period of incarceration.
 - B. An incarcerated employee who uses accrued vacation or compensatory time for more than two (2) consecutive weeks while incarcerated shall not accrue any vacation, sick leave, longevity or retirement creditable service benefits during such incarceration regardless of how much vacation or compensatory time is available.
 - C. An incarcerated employee who is later exonerated will not be entitled to back pay or vacation, sick leave, longevity or retirement creditable service benefits lost or used during such periods of incarceration. Such periods of incarceration are outside the control of the City of El Reno and the employee cannot perform any productive labor during such periods.
3. An employee who is accused by indictment, complaint and information or charge of a crime, but not incarcerated, may be suspended without pay by the City Manager following a meeting between the employee and the Department Head or the City Manager. After the meeting, the employee will be notified of the reason for the suspension without pay. If the employee is later exonerated from all the accusations arising from such indictment, complaint and information, or charge, the employee will be reinstated to his or her former or similar position with full back pay and vacation, sick leave, compensatory time, longevity or retirement creditable service benefits. If the employee is convicted, agrees to plead "no contest", or pleads guilty on any of the indictments, complaint and information or charge, the employee may be terminated retroactive to the first day of suspension.
4. An employee who is accused of a misdemeanor charge, but is not incarcerated, may be suspended without pay by the City Manager if the allegation or allegations relate to moral turpitude, personal integrity, sexual misconduct, malfeasance or misfeasance in office or position or similar conduct or misconduct following a meeting between the employee and the employee's Department Head or the City Manager. After the meeting, the employee will be notified of the reason for the suspension without pay. If the employee is not convicted of the charge or charges, the employee will be reinstated to his former or similar position with full back pay and vacation, sick leave, longevity or retirement creditable service benefits. If the employee is convicted, agrees to plead "no contest" or pleads guilty on any of the charge or charges, the employee may be terminated, retroactive to the first day of suspension without pay.

5. An employee may be suspended without pay by the Department Head or the City Manager pending an investigation of a serious charge arising from an allegation or series of allegations of a breach of employment rules, regulations, or procedures, which, if found to be true, could result in the termination of employment. If the employee is terminated, the termination will be retroactive to the first day of suspension without pay. If the employee is not terminated the employee will be returned to their former or similar position with full back pay and vacation, sick leave, longevity or retirement creditable service benefits.

802. Authority to Take Disciplinary Actions

1. A Superintendent, Department Head, or the City Manager may issue a written reprimand.
2. Only a Department Head, with City Manager authorization, or the City Manager may levy a disciplinary suspension of ten (10) days or less;
3. Only the City Manager may levy a disciplinary suspension of more than ten (10) days, or an involuntary demotion or termination;
4. In a situation where it is impossible to hold a meeting with the Department Head and where a superintendent or supervisor recognizes the safety of the community or other employees is at risk, the employee may be sent home with pay pending the setting of a meeting; and
5. All employees sent home with pay in accordance with this section will attend a meeting with the superintendent or supervisor and Department Head the next scheduled work day or as soon thereafter as possible.
6. Department Heads and superintendents or supervisors are expected to make firm disciplinary recommendations to higher authority.

803. Corrective Action

1. "Warning" is a formal written record telling the employee that the employee's behavior or productivity must improve or some more forceful and serious disciplinary action will be taken. A warning may or may not be preceded by verbal counseling. A warning often will precede any of the actions described below. However, there are certain behaviors and activities, which will support other, more severe disciplinary actions on the first occurrence. Management's judgment as to the type and severity of the behavior or activity will determine the type of discipline to be employed. Nothing herein is intended to limit the right of the disciplining authority to initiate higher levels of discipline on the first incident, i.e., nothing in these guidelines is intended to restrict the City to the use of progressive discipline in all circumstances.

- A. The warning may be issued by a Supervisor, Department Head or the City Manager and must be presented and discussed with the employee. The Human Resource Director may be present as a witness.
 - B. A copy of the warning will be given to the employee and a copy will be placed with the individual's personnel records. The employee, witness and supervisor will sign the warning letter or form. If the employee refuses to sign the warning letter or form, a notation to that effect will be entered in the letter or form.
 - C. The warning, in addition to proper identification of all parties, should include where appropriate:
 - 1) The behavior or work performance for which the warning is being given and the specific improvements expected.
 - 2) The time limit within which improvement must be made.
 - 3) A specific offer on the part of management to assist the employee in the expected improvement.
 - 4) A statement of any prior counseling given to the employee.
 - 5) An indication, in general terms, of further action to be taken if there is delayed or insufficient improvement.
2. "Reprimand" is a formal written record of a serious disciplinary matter concerning an employee directing immediate and continuing improvement in the employee's productivity or behavior. As with a warning, the nature and seriousness of the employee's conduct or the offense will determine the level of discipline, and an employee may be given a written reprimand on a first offense, or more severe discipline, as determined by management. Nothing in these guidelines restricts the City to the use of progressive discipline in every instance.
- A. The reprimand may be issued by a Supervisor, Department Head, or the City Manager, and the reason for the reprimand must be presented and discussed with the employee. The Human Resource Director must be present as a witness.
 - B. A copy of the reprimand will be given to the employee and a copy will be placed with the employee's personnel records. The employee, Human Resource Director, and Supervisor will sign the reprimand letter or form. If the employee refuses to sign the reprimand, a notation to that effect will be entered in the letter or form.
 - C. The reprimand, in addition to proper identification of all parties, should include where appropriate:
 - 1) The behavior or work performance for which the reprimand is being given and the specific improvements expected;
 - 2) The time limit within which improvement must be made;

- 3) A specific offer on the part of management to assist the employee in the expected improvement;
 - 4) A statement of any prior counseling and warnings given the employee;
 - 5) An indication, in general terms, of further action to be taken if there is delayed or insufficient improvement; and
 - 6) Any other pertinent material, which may add to the issue of the disciplinary action.
3. "Suspension" is the temporary removal from duty and permanent withholding of pay of an employee for a specific period to bring about improvement in performance or behavior. Non-exempt employees are subject to suspensions as disciplinary measures. Exempt employees are not, except for serious safety violations. As with other levels of discipline, the nature and seriousness of the employee's conduct or the offense will determine the level of discipline, and an employee may be given a written reprimand restricts the City to the use of progressive discipline in every instance. The following procedures apply:
- A. Either a Department Head, with City Manager's approval, or the City Manager may impose a suspension without pay. Suspensions of more than ten (10) workdays must be sent to the City Manager for approval prior to taking effect for formal approval. Suspensions of ten (10) workdays or less require the approval of the City Manager, and then may be imposed by a Department Head.
 - B. A suspension must be levied during consecutive workdays and may not be broken into several periods of working days;
 - C. Prior to initiating a suspension action a meeting with the employee, the employee's supervisors and the employee's department head or the City Manager is to be held:
 - 1) The purpose of meeting is to review the facts and discover any additional information pertaining to the matter and to determine the employee's attitude for improvement. Consequently, a written personnel action form should not be completed before the employee has had the opportunity to discuss the situation.
 - 2) Prior to the meeting, the employee is to be notified of the specific violation, offense, conduct or misconduct alleged, a general overview of the evidence against the employee, and the employee will be given an opportunity to respond to the violations, offense, conduct, misconduct alleged and evidence. Information about the violation, offense, conduct or misconduct alleged should be set forth clearly and concisely so as to reasonably permit the employee to understand and answer.
 - 3) After conducting the meeting and considering the information presented, the Department Head will recommend appropriate action to the City Manager. If

the Department Head determines that a suspension of ten (10) workdays or less is warranted for the good of the service, he will forward such recommendation to the City Manager for approval before imposing the suspension. If he determines that a suspension of more than ten (10) workdays is warranted for the good of the service, he will make that recommendation to the City Manager. The City Manager will then impose the discipline he deems appropriate for the good of the service.

- D. A personnel action form and notice of suspension form will be completed for all suspensions. In addition, a written statement constituting the notice, and describing the violation, offense, conduct or misconduct and disciplinary action, will be prepared.
 - 1) Notice of suspension must be signed by the appropriate Department Head and the City Manager, and prepared in sufficient copies for direct and immediate distribution without delay to the Employee, the Supervisor, the Department Head, the Human Resource Director, and the City Manager as appropriate. The notice will be retained with the employee's personnel records.
 - 2) A uniform notice of suspension form may be prepared by the Human Resource Director. The form should include sufficient information to show the reason for the suspension, number of days suspended, acknowledgement by the employee, distribution, and other information deemed pertinent and necessary by the Human Resource Director.
 - E. If it has been possible to meet with the employee, notice of suspension should be handed directly to the employee before the employee leaves the work premises. In any event, proof of delivery is to be recorded; and
 - F. If the notice cannot be given to the employee before the employee leaves the work premises or cannot be delivered by the supervisor or his designee at the employee's home, the notice shall be mailed by U.S. Mail, certified return receipt requested.
4. Demotion or termination. The Department Head and the City Manager shall discuss and consider demoting or terminating the employment of an employee. The City Manager is responsible for making the determination of demoting or terminating the employment of an employee. An individual may be reduced in grade or in step. Demotion may be taken after other discipline has been taken or where the performance, offense or behavior is of such nature that demotion is warranted on a first offense for the good of the service. As with other levels of discipline, the nature and seriousness of the employee's conduct or the offense will determine the level of discipline, and an employee may be given a written reprimand on a first offense, or more severe discipline, as determined by management. Nothing in these guidelines restricts the City to the use of progressive discipline in every instance.
- A. A supervisor or superintendent may initiate a recommendation for a demotion or termination. The Department Head should consider the recommendation, and forward it to the City Manager together with the Department Head's

recommendation. The City Manager must consider the recommendation(s) and make the final decision authorizing the disciplinary action.

- B. Prior to initiating a demotion action, a meeting with the employee, the employee's supervisor and the Department Head or the City Manager is to be held:
 - 1) The purpose of the meeting is to review the facts and discover any additional information pertaining to the case.
 - 2) At the meeting the employee is to be notified of the specific violation, offense, conduct or misconduct alleged, and a general overview of the evidence against the employee. The employee will be given an opportunity to respond to the violation, offense, conduct or misconduct alleged and evidence of such. The violation, offense, conduct or misconduct alleged should be set forth clearly and concisely so as to reasonably permit the employee to understand and answer the allegations.
 - 3) After conducting the meeting and considering the information presented, the Department Head will make an appropriate recommendation to the City Manager, if the Department Head held the meeting with the employee. If the Department Head determines that demotion or termination is warranted for the good of the service he will make that recommendation to the City Manager who will make the final decision. If the City Manager determines that the employee should be demoted or terminated from City employment, he will sign the personnel action form. A personnel action form and the reason for such recommendation will accompany the Department Head's recommendation to the City Manager. The Department Head will immediately notify the employee of the City Manager's decision. If the City Manager holds the meeting with the employee, the City Manager will prepare and sign the personnel action form with the discipline the City Manager deems appropriate.
 - C. The Human Resource Director may prepare a uniform notice of demotion/termination form. The form should include sufficient information to show the disciplinary action taken, acknowledgement by the employee, distribution, and other information deemed pertinent and necessary by the Human Resource Director.
 - D. The employee subject to demotion or termination must be made aware of the employee's appeal rights in writing; and
 - E. Actions of this nature are to be based on an investigation at the departmental level in conjunction with the Human Resource Director, City Manager, and if necessary the City Attorney.
5. Denial of a pay increase. In connection with any disciplinary action, a supervisor may recommend to whoever makes the final decision (the Department Head or the City Manager) that an employee be denied any pay increase for which the employee is actively under consideration. The City Manager shall make the determination of whether a denial of a pay increase is appropriate as a disciplinary measure.

804. Administrative Grievance Procedures

1. Any employee having a grievance shall have the right to appeal the grievance without fear of reprisals from exercising of this right.
2. Such appeal is to be first presented to the employee's immediate supervisor in writing. If the aggrieved employee needs clerical assistance in preparing the written appeal, such assistance will be made available upon request.
3. The supervisor receiving the grievance is to carefully consider the matter, attempt to arrive at a full understanding of the employee's alleged grievance, and give the employee a clear and specific answer within five (5) working days. The response is to be in writing, and a copy of the appeal and response be transmitted to the Department Head. The supervisor may seek the assistance of the Human Resource Director in preparing the answer.
4. If the employee is not satisfied with the answer from the immediate supervisor, the employee may, within five (5) working days, appeal to the Department Head and such appeal is to be made in writing. The Department Head, after full consideration of the facts and circumstances, must render a decision in writing within five (5) working days from the date of receiving the appeal. A copy of the appeal and response will be transmitted to the City Manager. The Department Head may seek the assistance of the Human Resource Director in preparing the answer.
5. If the employee is not satisfied with the answer from the Department Head, the employee may appeal to the City Manager within five (5) working days and such appeal must be made in writing. The City Manager will respond to the employee in writing within 10 workdays, unless additional time is needed for the response. The City Manager's response shall be final.

805. Appeal to the Personnel Board

1. All employees of the City in the classified service shall have the right of appeal to the Personnel Board, as established by El Reno City Code, on matters of layoff, suspension without pay, demotion or removal.
 - A. The classified services consists of all employees and officers, other than the City Manager, the city attorney, the municipal judge, the hospital administrator, the mayor and other city council members, members of each board, commission or other plural authority, all personnel who serve without compensation, and all part-time or temporary seasonal employees (or as stated in accordance with 87-3 of the El Reno City Code.)
 - B. This right of appeal is only available to employees in the classified service who have completed successfully a probationary period of six months of employment. Employees on the Police Pension system are exempt from this probationary period.

2. Employees may appeal the action of the City Manager to the Personnel Board by filing a written letter request for appeal with the City Clerk, or the chair or secretary of the Personnel Board, provided:
 - A. The appeal must be filed within ten (10) days from the time the employee has received a written notice of the action taken, and such written appeal must be accompanied with a copy of the notice of action taken; and
 - B. Any written appeal made after ten (10) days following written notice of action taken shall not be heard or considered by the Personnel Board.
3. Any appellant may withdraw an appeal at any time in writing or by default by failing to appear at the hearing, in which case:
 - A. The employee waives the right of appeal, and the action of the City Manager shall be final; and
 - B. The employee may not file a subsequent appeal on the same action.

806. Hearing on Appeal

1. Upon receipt of a request for an appeal, the City Clerk shall immediately notify each member of the board, the City Manager, and the City Attorney.
2. The City Clerk shall schedule a hearing within not less than five (5) calendar days nor more than thirty (30) calendar days from the date of filing of the appeal with the City Clerk, and the Board shall cause a written notice of the hearing to be provided to the appellant, the City Manager, and the City Attorney.
3. During the hearing the Board has the power to hear and determine the facts. The hearing shall be conducted according to such procedures as may be established by the Board. The Board may subpoena officers and employees of the City and other persons to testify and produce documents and other evidence, and shall permit the appellant and the City Manager to be heard and to be represented by counsel; the City shall not be responsible for the costs of counsel for the appellant.
4. If the City Manager or his representative fails to appear at the hearing, the Board may hear the evidence as offered by the appellant and issue its findings and recommendations to the City Manager. If the appellant fails to appear at the hearing, the Board will find the appellant in default and recommend that the action of the City Manager be sustained.
5. The Secretary of the Personnel Board shall record all hearings. If the appellant requests a typed copy of the proceedings, the appellant shall pay the cost of preparing such copies.
6. Any continuance of the hearings shall be to a time and place definite.

807. Findings of the Personnel Board

1. At the conclusion of the hearing the Board by majority vote shall report in writing its findings and recommendations, in cases of subordinates of the City Manager, to the City Manager, and in other cases to the respective authorities having power of removal. If the Board finds that the layoff, suspension, demotion or removal was made of a political reason or reasons, or for any reason or reasons other than the good of the service, it shall veto the layoff, suspension, demotion or removal and such action shall be nullified. Provided, however that if only two Board members are present on an appeal from a disciplinary action imposed by the City Manager, a tie vote between the two Board members shall result in sustaining the action of the City Manager.
2. The Board shall cause written notice of its finding along with any statement relating thereto, to be mailed to the appellant and delivered to the City Manager within forty-eight (48) hours of its findings.
3. The findings and recommendations of the Board shall not deprive the appellant or the City Manager from other rights established in the City Charter or State Statutes.

ALL EMPLOYEES ARE AT WILL EMPLOYEES.

900. Political Activity

1. Regulations governing city elective office and political activities are as follows:
 - A. No employee of the City while on duty or in uniform may work for or against, or to attempt to influence, the nomination, election or defeat of any candidate for mayor or council member, or the recall of the mayor or any council member; but this shall not prohibit the ordinary exercise of one's right to express their opinions or to vote while not on duty or in uniform. Any federal statutes restricting or prohibiting the political activities of employees shall supersede the provisions of this code and state law, if applicable, to such employees; and
 - B. Any employee of the city desiring to seek municipal office shall resign from municipal service prior to filing for the municipal elective office.
2. As to county, state, federal or other elective office, the following shall apply:
 - A. No paid employee of the City shall be a candidate for county, state or federal elective office or to any elective office with an agency which has a jurisdiction within the geographical city limits of El Reno, Oklahoma without said officer or employee complying with the leave provisions indicated in sub 2 below;
 - B. Each paid employee of the City who desires to seek any county, state or federal elective office or any other elective office with an agency which has a jurisdiction which includes the geographical city limits of El Reno, Oklahoma shall be placed on leave status a minimum of fourteen (14) calendar days prior to any primary, primary runoff or general election;
 - C. On recommendation of the employee's Department Head, the City Manager shall place employees on leave status in excess of the time periods indicated in sub 2 above in circumstances where employee's candidacy interferes with official job duties with the municipal service or where said additional leave time would be in the best interests of the municipal services and the City;
 - D. Leave status as described herein shall be recorded as vacation leave or compensatory time up to and including the total amount of time accrued by the individual. All additional leave time shall be recorded as leave without pay; and
 - E. The City Manager shall be the sole determiner of the individual's leave status consistent with the provisions of this.
3. Violation of any of the provisions of this shall be grounds for immediate dismissal from the municipal service.

ALL EMPLOYEES ARE AT WILL EMPLOYEES.

1000. Miscellaneous Policies and Procedures

1001. Attendance

Every employee is expected to report for work regularly and on time. Good attendance is a most important job requirement. Failure to meet this requirement could result in termination.

When employees are absent, others must perform their share of the work. In most instances, absent employees are paid for time not worked. In addition others who must substitute and accomplish the necessary work frequently receive extra and higher compensation in the form of overtime pay. No additional work is accomplished for these added costs. Lost time therefore must be controlled.

Employees must clear planned absences in advance with their supervisor, allowing as much notice as they can. When an absence is unplanned, due to illness, an emergency, or some similar cause, employees must report the absence to their supervisor by the starting time of their workday on the first day of the absence. In the case of an out of state absence of indefinite duration, they must report their status to their supervisor at least once every three working days.

Notification from another employee or relative is not acceptable except under emergency conditions. An excused absence may include personal or family illness, jury duty, bereavement, or other reasons that would require an employee to miss all or part of a scheduled workday. The employee should be prepared to substantiate the reason for his absence if asked. If the employee is absent frequently, the employee will be required to furnish documentation, including a medical statement from the employee's doctor.

If the employee fails to give proper notification of the employee's absence or if the employee's supervisor considers the employee's reason unacceptable, the employee will be charged with an unexcused absence.

Failing to report any absence properly can be grounds for disciplinary action, including dismissal. Excessive absences and lateness, even when reported, may also be grounds for discipline or dismissal.

Unsatisfactory attendance will result in disciplinary action, including suspension and discharge, as well as have an adverse effect on any promotion considerations and performance evaluations.

1002. Unauthorized Absence

Unauthorized absence is defined as the failure of any employee to report to work and the failure of the employee to call in and advise his or her supervisor of the reasons for the absence. Three consecutive days of unauthorized absence will automatically constitute resignation (job abandonment) and the employee will be terminated.

1003. Breaks

Each employee may at the supervisor's discretion, be granted two (2) relief time periods per day, one fifteen (15) minute period in the morning and one fifteen (15) minute period in the

afternoon. Relief time shall be taken only after having been on the job for a minimum of two hours, unless otherwise authorized by the supervisor.

1004. Meals

City Employees shall be entitled to time off to eat during each work shift, to be scheduled by the Department Head. Meal breaks are normally one hour, except for departments with established thirty- (30) minute meal breaks. Such mealtime shall be unpaid time unless the employee is required to remain at the worksite, in which case the Department Head or the City Manager may authorize a meal period as part of the time worked.

1005. Phone Usage - Personal Calls

No City employee is permitted to make personal long distance telephone calls without the authorization of the Department Head; and the employee, if allowed, shall reimburse the cost of any such long distance calls, in full to the City. Any calls of a personal nature shall be held to a minimum in both length and occurrence and should whenever possible be done on the employee's non-work time.

1006. Outside Employment

Employment with the City shall be considered the primary employment of all full-time employees. A City Employee shall not engage in outside employment unless his Department Head and the City Manager give such employee written approval. A copy of such approval shall be placed in the employee's personnel file. Outside employment shall be approved provided that such does not affect the efficiency of the employee and there is no conflict of interest. Employees may not engage in outside employment or business activities while on duty with the City, nor may City property be used for any purpose other than City business or functions.

1007. Residence Location

Residency is not required of City Employees except those specifically mentioned in the City Code. Other employees may reside wherever they choose; however, employees who are subject to call out for emergencies (police, fire, water, street, etc.) should live close enough to the City that they may reach their duty stations within no longer than (thirty) 30 minutes and be in range of radio or paging equipment.

1008. Dress Code

A neat professional appearance is a requirement of the City of El Reno. It is expected that all employees will exercise good judgment and dress appropriately for their jobs. There are several factors that you should take into consideration when determining appropriate dress, including but not limited to:

- The nature of your work;

- Safety considerations, such as necessary precautions when working near machinery or hazardous work areas; employees will be required to wear proper safety equipment at all time, without exception for any reason;
- The nature of their public contact, if any, and the normal expectations of outside parties with whom they will work; which means that dresses and/or skirts should not be shorter than 2" above the knee, no tank tops or tube tops, and shirts should never show midriff; men's jeans must be worn at the waist and their buttocks should never show;
- Casual Fridays - jeans are acceptable, however, shorts are not (except as otherwise approved due to the nature of the work);
- The prevailing dress practices of other workers in similar jobs.

When an employee's dress does not comply with established standards, the normal response should be to discuss the matter with the employee. If continued counseling fails to bring the desired response, the supervisor may initiate disciplinary action. The supervisor may send the employee home without pay to change clothes.

1009. Travel Expenses

City Employees will be reimbursed for expenses incurred while out of town on City business. Employees shall provide receipts and/or documentation of expenditures and turn them in to the Finance Department for reimbursement. The City may impose maximum amounts for which employees may be compensated for individual meals or daily meals and for accommodations. Employees traveling on City business must have permission of the Department Head and/or the City Manager in advance, and should make every effort to minimize expenses.

1010. Use of City Vehicles

Vehicles are purchased by and are intended for official City business only. **THE PERSONAL USE OF CITY VEHICLES IS PROHIBITED.** Only authorized, licensed, qualified personnel may operate City vehicles. City vehicles shall be operated in compliance with the appropriate traffic laws and the operator manual. Only authorized personnel may ride in or on City vehicles, unless prior approval is obtained from the City Manager. All City vehicles have a "City of El Reno" insignia on them, unless they are designated unmarked police vehicles. As such they are singled out to the public; therefore, they must be operated in a safe, courteous and professional manner so as to set an example to the public. Employees who are assigned a particular City vehicle shall be responsible for keeping it clean and in neat appearance. Unlawful or improper use of City vehicles is cause for disciplinary action, which may include termination.

1011. Tools and Equipment

City employees may be provided with specific tools and equipment to perform their duties. These tools should be kept in good condition and shall be returned to the City upon

termination of employment. Tools, which are broken or unusable, should be reported to the Supervisor immediately.

All employees are expected to exercise proper care in the use of all City property, tools and equipment. Any employee who loses City property or equipment, or who negligently damages the same, shall be responsible for the reasonable cost in replacing the items.

The personal use of City equipment or tools is strictly prohibited. Violation of this policy is grounds for disciplinary action up to and including termination.

1012. Courtesy to Citizens

City employees are employees of all the citizens and should be polite and courteous to citizens at all times. Under no circumstances should employees be rude or abusive to citizens, and should a citizen's conduct become abusive, the employee should refer the citizen to his immediate supervisor or handle it using normal operational procedures. Employees are expected to deliver prompt, thorough and efficient service to the citizens to the best of their ability. Customer service is a critical factor of the employee's performance and will be reflected on the performance evaluation system.

1013. Hours of Work

The City Manager may direct Department Heads to establish daily starting and quitting times for employees, duration of the lunch period, times and location of breaks, and general work schedules for various jobs and departments in order to most effectively complete duties and responsibilities.

1014. Debts

The City of El Reno employees are expected to pay bills promptly and maintain a good credit standing. It is embarrassing and costly when creditors are forced to collect delinquent bills. Therefore, two (2) garnishments, separate indebtedness, made to an employee's paycheck within a one (1) year period will be grounds for disciplinary action up to and including termination. Termination shall not be because of the garnishment, but because of the employee's failure to pay his debts and meet his obligations.

The employee will be charged, through payroll deduction, according to the allowable fees for each type of garnishment that is withheld. The City shall notify the employee when any garnishment is received. And at that time, the employee will also be advised of the fees relating to that garnishment.

ALL EMPLOYEES ARE AT WILL EMPLOYEES.

1100. Other Employment Benefits

1101. Retirement

All full-time employees are required to participate in both the FICA/Medicare, unless exempted by law, and must also participate in one of the other retirement programs. Police and Fire employees are required to join the State Police and Fire Retirement Systems respectively, and other municipal employees must join the City's retirement program with the current carrier when the annual sign up period occurs, unless exempt and allowed to participate in another program. Contributions to all of the retirement systems are made by payroll deduction for the employee's contribution with the City also making a contribution, according to the terms of the respective retirement systems. Employees contemplating retirement should contact the Personnel Department at least six (6) months prior to the expected retirement date to receive information about retirement options and procedures.

1102. Group Health and Life Insurance

The City provides health insurance for full-time regular employees and pays a portion of individual employee's premium and a portion of the dependents premium by payroll deduction. The City and Employee contributions to the health insurance premium will be reviewed annually.

The City also pays for the total cost of life insurance for each regular employee in an amount designated by the policy.

Employees may also elect to have employee and family member coverage for dental and vision at their own cost.

1103. Workers' Compensation

The City is covered under the State's laws concerning workers' compensation in the event of an on-the-job injury to an employee. Benefits will be determined by the laws in effect at the time of the injury and any other applicable City policy. On-the-job injuries shall be reported in accordance with the regulations and procedures on disability and safety in this manual and by other operating procedures.

1104. Employee Assistance Program (EAP)

Employees have an opportunity to receive diagnostic referral services and covered professional counseling or other services by an EAP selected by the City. Such visits and referrals are confidential except when conditioned by a Supervisory referral. The City will work with a professional EAP to ensure confidentiality, chain of custody if necessary of any drug tests, and adherence to professional standards. Employees will receive the necessary information about this EAP from their supervisor, Human Resource Director or from the provider.

ALL EMPLOYEES ARE AT WILL EMPLOYEES.

1200. Separations

1201. Types of Separation

1. All separations of employees from positions shall be designated as one of the following types:
 - A. Resignation
 - B. Lay-off
 - C. Disability
 - D. Death
 - E. Retirement
 - F. Termination
2. The personnel action form effecting the separation shall show under "remarks" the reason for the separation (one of the reasons listed above) and the last day worked.
3. Return of Property and Equipment: Employees who leave the service for any reason will be required to return all City property and equipment issued to them prior to receiving their last paycheck. If equipment or property is not returned, the receipt of the final paycheck may be withheld until the matter is resolved.
4. Upon separation, the Human Resources Director will conduct an exit interview. This provides the employee with an opportunity to receive any benefit forms, to have any questions answered, and to provide information related to the reasons for leaving City employment, where applicable. The information obtained at this interview will be forwarded to the City Manager.

1202. Resignations

1. Advance notice: It is the responsibility of an employee who plans to resign from service to notify the employee's immediate supervisor in advance as follows:
 - A. At least ten working days prior to the effective day of the resignation. Failure to give adequate notice will be recorded in the resigning employee's personnel file and may be cause for denying re-employment with the City.
 - B. Resignations shall be submitted in writing.
2. Job Abandonment: Failure to report for work without notification to the supervisor for a period of three days or more, the employee shall be considered a resignation and the employee forfeits all rights to return to their position.

3. Any other circumstance where the employee fails to show up or return to work without a valid reason shall be considered a resignation.

1203. Layoff: Abolition of Position

1. Reductions in force shall be made as economic conditions and management decisions require. If layoffs become necessary, the City Manager will make the decision as to which departments and how many employees in each will be laid off. The decision will be made according to the needs of the City. Unless required by collective bargaining agreements, layoffs will not necessarily be based on seniority. Employees laid off will be given a notice of at least two weeks in advance of the anticipated date of the layoff or will be paid for two weeks in lieu of notice. Employees laid off will be eligible to be reinstated with benefits within one year of the layoff. Laid off employees will be placed on a call back list, and failure to respond to or apply for an opening sent to the employee will result in the employee being dropped from the call back list.
2. Appeals of Layoffs not for the Needs of Service: According to the City Charter, employees alleging political layoffs or for reasons other than for the good of the service may appeal such layoff to the Personnel Board. Such appeal must be made within five calendar days. Upon receipt of a timely appeal, the Personnel Board shall expedite a hearing. Charter shall govern such hearing procedures and authority to alter the decision.
3. Preservation of Benefits: Employees on lay-off status shall preserve all sick leave and seniority while on lay-off; but shall not acquire any additional credits for the period of time on lay-off status and will be paid for his accrued vacation leave and compensatory time.
4. Rehire Rights: An employee who has been laid off and applied for re-employment shall have priority for re-employment for a period not to exceed one year or a bonafide employment offer, which ever occurs first.
5. Placement of Pay: If a laid off employee applies for a position at a lower grade level in the pay plan than that at which they were employed, then may return to the lower grade and will be placed at that point in the range of the new grade nearest to the rate at which they occupied prior to being laid off.

1204. Dismissals

1. Reasons: The City Manager may dismiss an employee for any reason that is for the good of the service, including but not limited to where the employee violates the policies, procedures, rules, or accepted standards of conduct, or for unsatisfactory service.
2. Progressive Discipline: The City will generally follow progressive discipline for less serious conduct. But the City may begin discipline at a suspension or may even terminate for a first offense. The City is not required to strictly follow progressive discipline steps.

3. Notice: No employee is to be terminated without the authorization of the City Manager.
4. Final Pay: Employees who are dismissed, resign, retire or are laid off shall receive pay for accrued vacation leave and compensatory time for which they are eligible according to the rules governing such leave; employees who have engaged in embezzlement of City funds, theft or misappropriation of property, or deliberate destruction of City property, or related offenses, may have vacation leave and compensatory time retained to offset the loss to the City.
5. Re-employment: Any employee seeking re-employment with the City shall have his or her prior work record reviewed as well as the reasons for separation. The employee may be certified for any position for which he is qualified, including his former position only when it appears highly probable that the reason for dismissal will not recur. The prospective Department Head shall be notified prior to the time of interview with the employee of the facts surrounding the prior dismissal.

1205. Disability Separation

1. Definition: When it appears to the Department Head that an employee may no longer be able to perform the essential job functions with or without reasonable accommodations, a Department Head, in consultation with the Human Resource Director may request a "fitness for duty" exam to determine whether the employee can perform the essential functions of the position with or without an accommodation. Employees are required to participate in fitness for duty exams when requested by the City.
2. Meeting: Upon receipt of the fitness for duty exam or other examinations rendered by competent medical authority, the City Manager will provide a non-probationary regular employee an opportunity to present evidence and extenuating circumstances as to why the action to separate should not be imposed. The City Manager, after hearing the evidence and reviewing the medical documentation and available options, shall do one of the following:
 - A. Discuss possible accommodations in accordance with ADA.
 - B. Give the employee an opportunity to resign or retire for disability reasons and receive any COBRA benefits and other City benefits otherwise entitled to.
 - C. Place the employee in a disability leave status until leave benefits have been exhausted.
 - D. Work with available outplacement services, if any, to try rehabilitative services, provided that such services are mandated by the Workers' Compensation System or if not mandated, do not cost the City anything.
 - E. Assist the employee with retirement if otherwise eligible.

3. Re-employment: If an employee separated for disability reasons applies for re-employment, the individual will be given preference over outside applicants. However, the individual must be able to demonstrate that he or she can do the essential functions of the position with or without reasonable accommodation. Such preference will only last for 12 months after the date of disability or 6 months after separation, whichever comes last.

1206. Death Separations

1. Process: Upon the death of an employee, the Department Head shall initiate a Personnel Action Form indicating the type of Separation and the last day worked.
2. Notification: The City Manager shall be informed by telephone of the death of an employee as soon as possible after Department Head learns of the fact, and the Personnel Action Form shall be submitted within three (3) working days.

1207. Retirement Separations

Process: An employee who is planning to retire should contact the Human Resource Director at least six (6) months prior to the expected retirement date to receive information about retirement options, procedures, and to prepare the appropriate paperwork.

Upon retirement, the employee will be advised the amount of leave for which they will be paid. Vacation and compensatory time will be paid at separation. Sick leave may be paid out over a period of time, as agreed upon by both the employee and the City, or it may be paid at separation, depending on the City's ability to pay. The employee's benefits to health insurance, etc. will terminate at their retirement date. However, if the employee chooses to continue health insurance through COBRA, they may do so. The Human Resources Director will advise them of their costs, etc. for this coverage.

ALL EMPLOYEES ARE AT WILL EMPLOYEES.

1300. Prohibitions

1301. False Statements (Fraud)

No person shall willfully make any false statements, certificate, mark, rating or report in regard to any application, test certification of appointment, complaint against a supervisor or fellow employee, or in any manner commit any fraud or misrepresentation in connection with employment with the City.

1302. Gifts, Favors

1. Gifts for Appointments: No person seeking appointment to or promotion in the service of the City shall either directly or indirectly give, render, or pay money, service, or other valuable things to any person for, on account of, or in connection with a test, appointment, proposed appointment, promotion or proposed promotion.
2. Receipt from 3rd Parties: No reward, gift, favor, or emolument of value or other form of remuneration in addition to regular compensation shall be received by any employee for the performance or non-performance of duties from any vendor, contractor, individual or firm, or from any source having or proposing to have any relationship with the City.
3. Value defined: Value shall be defined as any item or service which could be exchanged for a substantial amount of money, goods, or services; or is offered for the purpose of persuading a City Employee to not be impartial in their decision when such receipt when seen by an outside party would indicate something of value.

1303. Financial Interest

No officer or employee of the City shall have a financial interest, direct or indirect, in any contract with the City or be financially interested, directly or indirectly, in the sale to the City of any land, materials, or supplies, or services except on behalf of the City as an officer or employee.

1304. Union Activity

1. Right of Choice: Employees may choose to join or not to join any representative employee organization. However, force, intimidation, coercion, threat, or any other pressure shall not be used to encourage or discourage membership in such organizations.
2. Election of remedies: If an employee elects to join a representative employee organization and such employee organization enters into or has entered into an agreement with the City concerning wages, working conditions, or matters which normally are covered by these regulations, an election of the employee to join this organization shall also constitute an election to be bound by the provisions of the

labor agreement and shall constitute a waiver of the provisions of these regulations which are included in any such agreement which may be in conflict with the provisions of these regulations.

3. Right to Work: Nothing contained herein shall be construed as a requirement that any City employee join any representative employee organization, it being the intent of this section that each employee shall have the right to work as an employee of the City free of membership in any employee organization. Nor shall anything in this section be construed as to require the City to recognize any employee organization or group.

1305. Solicitation

No sales representative shall solicit or provide information to City Employees on City property during working hours concerning any product or service unconnected with the employee's work responsibilities. No City Employee shall make arrangements for or with sales representatives to solicit from or provide information to City Employees as private customers during working hours. The only exceptions to this rule will be for any City recognized insurance and/or benefit. However, these are allowed only after they have been cleared by the Human Resources Department and upon approval of each Department Head.

ALL EMPLOYEES ARE AT WILL EMPLOYEES.

1400. Vehicle Accidents, Safety and Worker's Compensation

1401. Vehicle Accidents

1. Reporting Accidents: When an employee is involved in an accident while operating City owned equipment, the accident must be reported immediately to the employee's Department Head and the Police Department. An Accident Report will then be filled out by the Department Head and forwarded to the City Manager for filing. Accidents involving personal injury to employees are to be reported to the Human Resource Director and the City Manager as soon as possible, but in no case later than 24 hours after their occurrence.
2. Other Reporting: A copy of the accident report must also be forwarded to the Municipal Garage for the update of the Vehicle Maintenance Report if necessary.
3. Accident Investigation: The driver of the vehicle, if physically able to do so, will notify the Police Department of the accident and allow the police to make their investigation before moving the vehicle. The driver shall make no statements to the other driver that would indicate culpability. After notifying the Police Department, the driver will notify the Department Head who will work with the Police Department to complete the report.
4. Damage repaired: If, from the police report, the accident is the fault of a City employee, the Department Head will have the damage repaired by the City. If the accident is the fault of another person, the Department Head shall obtain an estimate of repairs. After the appropriate insurance companies have been notified and provided the opportunity to inspect the vehicle, the repair shall be accomplished.
5. Unreported Damage: In the case of an unreported accident, the last known driver responsible for the vehicle will be presumed to have caused the accident and may be held liable for necessary repairs and other correction action. Copies of accident reports, etc. are to be forwarded to the City Clerk's office within in three (3) days of completion of the report. The City Clerk will then forward the report to the City's insurance provider, etc. as deemed necessary.
6. Preventive Maintenance: City vehicles will be on a scheduled preventive maintenance program and will be inspected frequently to ensure that they are safe to drive or operate. Any report of mechanical difficulties will require immediate attention by the driver, the supervisor, or appropriate mechanic. In addition, it shall be the responsibility of the Department Head to take whatever steps are necessary to prevent the occurrence of the same or similar accident.

1402. Investigation Policy

1. It shall be the Policy of the City of El Reno to investigate thoroughly all reports of damage or accidents occurring to any unit of the fleet.
2. In cases of gross negligence, extensive property damage or personal injury, an Accident Review Board shall be available to review evidence, weigh any credibility

issues, and render a finding of facts. The Board shall make a recommendation to the City Manager but shall not make the final decision on discipline.

1403. Accident Review Board

1. The Accident Review Board shall be impaneled whenever there is need to review an accident, as determined by the City Manager, where the extent of damage is serious and the employee seems to be at fault.
2. The Accident Review Board shall consist of three management persons from any of the following departments except that it will not contain an employee from the same department as the employee to be investigated:
 - A. Police Chief or Designee
 - B. Fire Chief or Designee
 - C. Public Works Director or Designee
 - D. City Garage Superintendent
 - E. City Attorney (only if the case is complex and the employee has an attorney). He will not be considered a voting member but may provide any legal advice as is necessary.
3. In cases of bargaining unit employees, a non-management employee will be one of the three representatives on the board.
4. The Supervisor or Department Head of the employee shall gather the facts and present the City's case to the Accident Review Board. The employee may then respond with any rebuttal comments or evidence. After hearing the evidence, examining any witnesses, and hearing any closing statements, the Accident Review Board will deliberate in a closed session and shall render its findings of facts and make a recommendation to the City Manager. The initial responsibility is to determine whether the accident was preventable. The second is to determine the gravity of the offense and the extent of negligence. The Board may also make a recommendation as to any corrective action, repayment of damages, etc. The Board shall also look at any operating procedures and the need for safety training. The employee will be furnished with the final results of the City Manager's decision in writing.

1404. Safety

1. Policy: It is the policy of the City that each employee shall perform his duties in a manner, which shall protect the employee, fellow employees, the citizens and prevent damage to public or private property. An effective safety program for all employees is accomplished through a formal program of preventive safety measures, on-going safety education, the use of safety equipment on the job, and holding employees accountable for safety as part of the performance evaluation. Employees are expected to do their part to work safely, wear required safety equipment, observe all

posted safety rules and regulations, keep their work areas neat and clean and assist management in removing safety hazards. In addition, employees are to assist other employees in maintaining safe work habits and assisting those who need rehabilitation to voluntarily enter a program before it becomes apparent on the job.

2. Supervisory Responsibility: Supervisors and Department Heads are responsible for the implementation of a Department Safety Program which shall consist of regular safety meetings, provision of safety equipment and instructions on its use, development of formal goals and objectives in the area of safety, and shall assume the responsibility for thoroughly instructing their personnel in the safe practices to be observed in the work environment. They shall consistently enforce safety standards and requirements to the utmost of their ability and authority. Supervisors shall set the proper example by working safely and setting high standards of safety for their employees and encouraging an open channel to remove safety hazards. Supervisors shall also be measured on how well they communicate safety to employees and how they can reduce safety problems. The principal safety duties of supervisors in safety areas are as follows:
 - A. Enforce all safety regulations in effect and inform employees that violation of safety rules will not be tolerated. In addition to informing employees, must act quickly with those violating safety concerns with proper corrective action.
 - B. Make sure all accidents are reported promptly; that any injuries are treated properly; that all accidents are reported whether or not an injury is apparent on the City's In-House Accident Report and the required Workers' Compensation Forms.
 - C. Conduct thorough investigations of all accidents and take necessary steps to prevent recurrence through employee safety education, operating procedures or modification of equipment, etc. Any supervisory concern should be properly identified on the In-House Accident Report and the Form 2.
 - D. Providing employees with complete safety instructions regarding their duties prior to the employees actually starting to work and periodically thereafter. Conduct regular safety checks, including a careful examination of all new and relocated equipment before it is placed into operation.
 - E. Properly maintain equipment and issue instructions for the elimination of fire and safety hazards.
 - F. Continuously inspect for unsafe practices and conditions and promptly undertake any necessary corrective actions.
 - G. Develop and administer an effective program of good housekeeping and maintain high standards of personal and operational cleanliness throughout all operations.
 - H. Conduct safety briefings at department meetings and encourage the use of employee safety suggestions. Work with safety committee (s) to review safety concerns and communicate concerns with fellow employees. May assist in developing safety incentives.

- I. Show concern for employees who are off on workers' compensation temporary total disability pay and express crew's need for a speedy recovery. Follow up on any ongoing light duty work and coordinate work with the Human Resources Department.
3. Employee's Responsibilities: Each employee is expected to place safe work practices and identification of unsafe conditions as the highest priority while performing other daily tasks. Each employee's safety commitment must include, but is not limited to, the following:
 - A. Using the safety equipment, which has been provided for use in daily work assignments not limited to safety goggles, earplugs, breathing apparatus, safety shoes, uniforms, etc.
 - B. Operating only that equipment for which training and orientation has been provided in a manner that has been demonstrated.
 - C. Warning co-workers of unsafe conditions or practices that could lead to or cause an accident.
 - D. Reporting defective equipment to the supervisor immediately and ensuring that all safety devices are used properly.
 - E. Reporting other unsafe working conditions or other hazards that are observed in the community such as defective sidewalks, broken curbs, hanging tree limbs, loose handrails, open manholes, sunken basins and sewers, missing or damaged traffic signs or signals.
 - F. Immediately reporting all injuries and accidents regardless of severity,
 - G. Proper care for and use of tools and equipment.
 - H. Seeking assistance with rehabilitation professional to resolve off-duty substance concerns; assisting fellow employees to do likewise, and abiding by the drug and alcohol policies.

1405. Work Injuries

1. Reporting: If an employee is injured on the job, he must report the injury to his immediate supervisor immediately. Even injuries, which the employee feels are not serious and do not require medical attention should be reported. If the injury requires medical attention, the supervisor will send or take the employee to a physician, urgent care center or hospital selected by the City.
2. Evaluation and Treatment: In cases where the employee may have difficulty getting to the source of treatment, his supervisor and another employee should accompany him/her. The employee who has been injured may be sent to a physician for evaluation and treatment, or to a specialist in a specific area, as selected by the City.

3. Paper work: As soon as possible after the injury, the employee should come to the Human Resource Director's office to fill out an injury report form from the Oklahoma Division of Workers' Compensation. The form should be completed accurately and completely and the employee will also be asked to give a written description of the accident or injury in his own words and will complete a City Accident Form.
4. Departmental Investigation: As soon as practical after occurrence of an injury, the head of the department shall conduct an investigation and determine the cause of the accident if possible. The Department Head shall interview witnesses, examine the site of the accident and any equipment or material involved. A report of his findings shall be made to the City Manager with any recommendations that would indicate whether the accident was preventable or whether there is a question about being job related. The accident shall be discussed at the next Department Safety Meeting with the objective of determining how similar accidents may be prevented in the future.

1406. Workers' Compensation

1. Benefit: Generally, workers' compensation will pay for all medical treatment costs associated with the on-the-job injury and will pay a percentage of the employee's salary (approximately 66%) while the employee is on temporary total disability pay.
2. Medical Examinations: As necessary, employees may be required to submit to medical examinations upon accident or injury by a physician of the City's choice. In addition, the City may require a physical examination at any time to determine where light duty work would be offered. Employees shall cooperate fully in these medical examinations and shall furnish truthfully all information about previous and current medical history as requested by a physician and other health service personnel. Failure to comply with any procedures required by the City will be grounds for denying injury leave pay (difference between the Workers' Compensation and full wages). In addition it may be cause to deny workers' compensation benefits.

1407. Safety Committee

City Safety Committee: The City-wide Safety Committee shall consist of the City Manager and the Department Heads of the Finance/Administrative Services, Police, Fire, and Public Works departments. They shall meet at least quarterly and discuss how the accidents may be prevented and safety of employees and citizens may be preserved. Accidents, which have occurred in the previous quarter, may be discussed and analyzed, and recommendations made to prevent recurrence. Potential liability hazards will be determined and steps planned to eliminate them. Progress of individual department safety programs may be considered and City-wide Safety Training and other programs will be planned and organized.

1408. Personal Protective Equipment

As part of the City's commitment to safety, it will furnish or make available to its employees such personal protective equipment as will be necessary to perform the work assigned in a safe manner. It shall be the responsibility of each employee to use the equipment when it is called for and in a manner for which it was designed. Equipment, which does not function as intended, should be reported to management for replacement and repair. Failure to wear

necessary personal protective equipment as required for the specific job shall be grounds for disciplinary action.

1409. Safety and Performance Evaluation

The use of safe working procedures and consideration of prevention of possible liability situations for the City will be considered as part of the performance evaluation of each employee. Periodic written performance evaluation will include safety as criteria for measuring employee performance. Care of equipment, materials, and supplies and their use in a safe manner will be a factor in merit evaluations, probationary evaluations and in determining eligibility for promotion.

1410. Employee Responsibility for Safety

The ultimate responsibility for safety rests upon each employee. City employees will be expected to perform their jobs in a manner, which will not endanger themselves, other workers, the public, or City vehicle, equipment or facilities. Employees will be responsible for reporting unsafe working conditions, equipment or situations to management on a timely basis and for ensuring that their working environment is as safe as possible.

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